

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

INTELLECTUAL VENTURES I LLC and
INTELLECTUAL VENTURES II LLC,

Plaintiffs,

v.

MOTOROLA MOBILITY LLC,

Defendant.

Civil Action No. 11-cv-908-SLR-MPT

JURY TRIAL DEMANDED

JOINT PROPOSED PRETRIAL ORDER

On January 2, 2014, at 4:00 p.m., in Courtroom 4B, counsel for Plaintiffs Intellectual Ventures I and Intellectual Ventures II (collectively “Intellectual Ventures” “IV” or “Plaintiffs”), and counsel for Defendant Motorola Mobility LLC (“Motorola” or “Defendant”) participated in a pretrial conference before this Court pursuant to Rule 16 of the Federal Rules of Civil Procedure, D. Del. LR 16.3, and this Court’s January 17, 2012 Scheduling Order (D.I. 16). The following matters regarding the trial of the action, which will commence on January 21, 2014, are hereby ordered by the Court.

I. NATURE OF THE ACTION AND PLEADINGS

1. Plaintiffs filed this action on October 6, 2011, alleging that certain of Defendant’s products infringe U.S. Patent Nos. 7,810,144 (“the ’144 patent”); 6,412,953 (“the ’953 patent”); 7,409,450 (“the ’450 patent”); 7,120,462 (“the ’462 patent”); 6,557,054 (“the ’054 patent”); 6,658,464 (“the ’464 patent”) (collectively, the “Asserted Patents”). D.I. 1.

2. On December 13, 2011, Defendant answered, denying infringement of the asserted patents, and asserting affirmative defenses of, inter alia, non-infringement, invalidity, unenforceability, failure to state a claim, waiver, laches, and/or estoppel, prosecution history estoppel, and lack of standing, as well as counterclaims of non-infringement and invalidity. D.I. 10.

3. Plaintiffs answered Defendant's counterclaims on January 6, 2012. D.I. 13.

4. For purposes of trial, Plaintiffs intend to allege that Defendant has infringed the asserted claims listed below in subparagraphs a-f, which will be referred to herein as the "Asserted Claims," of the Asserted Patents.

a. Claims 10, 14, 15, 26, 29, 30 and 41 of the '144 patent;

b. Claim 1 of the '953 patent;

c. Claims 1-3, 5, 8-9 of the '450 patent;

d. Claims 1-3, 8, 10-13 of the '462 patent;

e. Claims 151-155, 159-165, 181-185, 189-195, 256-260,

264-270 of the '054 patent;

f. Claims 1-8, 16-17, 19 of the '464 patent.

5. Defendant does not agree that Plaintiffs should be permitted at trial to assert the total of 69 claims among 6 patents listed as doing so will be unmanageable and confusing to the jury in particular since many of the Asserted Claims are significantly redundant of one another, and Defendant requests that Plaintiffs be limited for trial to no more than three (3) patents and fifteen (15) total claims among those patents, and further requests that the Court order that Plaintiffs may not at a later time reassert any other claims of any patents in suit subject to trial.

6. Plaintiffs do not intend to proceed to trial on 69 claims and will narrow the case following the Court's rulings on claim construction as set forth in Paragraph 61 below. Plaintiffs do not believe that they should be restricted as to the number of patents that may be asserted at trial and appreciate that the case must be narrowed in order to complete the trial in the time allocated. Moreover, the Court previously denied Defendant's request to limit Plaintiffs to 3 patent and 30 claims on an emergency basis in August 2013. Defendant's renewed request is even more restrictive. Plaintiffs also object to Defendant's attempt to preclude it from later asserting claims that it voluntarily chose to withdraw from trial in this action. Plaintiff reserves its right to assert any claims not presented at trial at a later date and to assert any and all claims of the patents-in-suit against any Motorola product introduced to the market after the close of fact discovery in this case.

7. Plaintiffs seek a judgment that Defendant has infringed each of the Asserted Patents in violation of 35 U.S.C. § 271. Plaintiffs seek their fees and costs incurred herein.

8. Defendant seeks a judgment that it has not infringed and is not infringing any of the Asserted Patents and that the Asserted Claims of the Asserted Patents are invalid and/or unenforceable. Defendant seeks its fees and costs incurred herein.

9. By Court order, issues of damages and willfulness¹ have been bifurcated for purposes of discovery and trial. January 17, 2012 Scheduling Order. (D.I. 16).

II. BASES FOR FEDERAL JURISDICTION

10. This action arises under the patent laws of the United States, Title 35, United States Code. This Court has subject matter jurisdiction over all claims and counterclaims in this action pursuant to 28 U.S.C. §§ 1331, 1338, 2201, and 2202.

¹ Motorola objects to IV's inclusion of "willfulness" in this and the listing in paragraph 57, *infra*. IV did not plead willful infringement.

11. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(c) and 1400(b).

12. This Court has personal jurisdiction over the parties.

III. JOINT STATEMENT OF ADMITTED FACTS REQUIRING NO PROOF

13. The parties admit the facts set forth in attached Exhibit 1. These admitted facts require no proof at trial.

IV. STATEMENT OF ISSUES OF FACT REMAINING TO BE LITIGATED

14. Plaintiffs' statement of issues of fact that remain to be litigated is attached as Exhibit 2.

15. Defendant's statement of issues of fact that remain to be litigated is attached as Exhibit 3.

V. STATEMENT OF ISSUES OF LAW REMAINING TO BE LITIGATED

16. Plaintiffs' statement of issues of law that remain to be litigated is attached as Exhibit 4.

17. Defendant's statement of issues of law that remain to be litigated is attached as Exhibit 5.

VI. THE PARTIES' PRE-MARKED TRIAL EXHIBITS

18. The parties' joint list of exhibits that they may offer at trial is attached as Exhibit 6.

19. Plaintiffs' list of exhibits that it may offer at trial is attached as Exhibit 7.

20. Defendant's list of exhibits that it may offer at trial is attached as Exhibit 8.

21. The parties will raise all objections to exhibits as follows:

a. By no later than January 6, 2014, the parties shall exchange revised exhibit lists.

b. By no later than January 8, 2014, the parties shall exchange objections to the proposed exhibit list of the other party.

c. By no later than January 9, 2014, the parties shall meet and confer regarding the objections.

d. By no later than January 10, 2014, the parties shall file the exhibit lists with the Court.

22. The parties will exchange electronic copies of their respective pre-marked non- demonstrative exhibits in TIFF or PDF computer file formats with the corresponding load file on or before January 13, 2014. Plaintiffs will provide Defendant with electronic copies of the pre-marked joint exhibits on or before January 13, 2014. If the Court has not issued its claim construction or summary judgment rulings by January 3, 2014, the parties agree to meet and confer regarding proposed revisions of the due dates set forth in paragraph 21.

23. The parties will offer as evidence at trial one or more of the exhibits set forth on the joint exhibit list and/or their respective exhibit lists. These lists include the exhibit number to be used at trial and a description sufficient to identify the exhibit (e.g., by production number, deposition exhibit number, or otherwise). The parties agree that the descriptions of documents on their respective exhibit lists is provided for convenience only and shall not be used as an admission or otherwise as evidence regarding the document. The parties also agree that the exhibit numbers and descriptions on the lists proposed

herewith, or whether or not a particular exhibit is joint, may be modified prior to the exchange of Final Exhibit Lists (as defined below).

24. By January 17, 2014, the parties shall exchange final exhibit lists (“Final Exhibit Lists”) in accordance with the Court’s “Guidelines for Civil Trials (Revised July 12, 2011).” Any demonstrative exhibits the parties intend to use at trial do not need to be included on their respective lists of trial exhibits.

25. Except for documents used solely for impeachment and subject to the remaining provisions of this Order, no party may use an exhibit not present on the final Joint Exhibit List, its own Final Exhibit List, or an opposing party’s Final Exhibit List absent good cause shown.

26. The parties reserve the right to offer an exhibit designated by the other party, even if not introduced by the designating party. All objections to such exhibits are preserved. Any exhibit, once admitted, may be used equally by either party subject to any limitations as to its admission into evidence.

27. The following procedures shall apply to the exchange of exhibits relating to opening statements:

a. By no later than 3:00 p.m. Eastern Time on the calendar day before the opening statements, the parties shall exchange by electronic mail lists of any exhibits for which there are unruléd upon objections, that they intend to use in their respective opening statements;

b. By no later than 6:00 p.m. Eastern Time that same day, the party receiving the exhibit list shall inform the party identifying the exhibits of any objections to such exhibits; and

c. By no later than 8:00 p.m. Eastern Time that same day, the parties shall meet and confer to resolve any objections;

d. Any continuing disputes as to exhibits to be used with opening statements shall be raised with the Court as appropriate before trial commences;

e. The parties shall exchange demonstrative exhibits for opening statements by 10:00 p.m. Eastern Time the calendar day prior to the first day of trial.

f. The parties need not exchange exhibits or demonstratives before closing arguments.

28. The parties shall allow for inspection of any physical exhibits they intend to use at trial no later than 72 hours before such physical exhibits are first used. The parties' objections to the physical exhibits, if any, shall be exchanged no later than 48 hours before they are used. The parties shall meet and confer on any objections by no later than 24 hours the physical exhibit subject to an objection is used, the parties shall present any unresolved objections to the Court the morning of the proposed use of the physical exhibit.

29. Legible copies of documents may be offered and received in evidence to the same extent as an original unless a genuine question is raised as to the authenticity of the original, or in the circumstances it would be unfair to admit the copy in lieu of the original. Legible copies of United States and foreign patents, patent applications, and publications thereof, and the contents of associated file histories, may be offered and received in evidence in lieu of certified copies thereof, subject to all other objections that might be made to the admissibility of certified copies.

30. The listing of a trial exhibit does not constitute an admission as to the admissibility of the trial exhibit (i.e., a waiver of any applicable objection). Each party reserves any right to make objections under FRE 104, 105, 401, 402, and 403 to any evidence offered by the other party, at the time such evidence is offered, in view of the specific context in which such evidence is offered.

31. The following shall be deemed to be prima facie authentic, subject to the right of any party against whom such a document is offered (“Opposing Party”) to adduce evidence to the contrary or to require that the offering party provide authenticating evidence if the Opposing Party has a reasonable basis to believe the document is not authentic: (i) any document produced from a party’s files or web-site that bears that party’s letterhead, copyright, or corporate logo; (ii) any email produced in this case from a party’s files that on its face appears to have been authored by an employee, officer, or agent of that party; (iii) any source code produced by any party or third party in this action; and (iv) any U.S. or foreign patent office publication.

VII. WITNESSES TO BE CALLED IN PERSON OR BY DEPOSITION

32. Plaintiffs’ list of witnesses it may call at trial in person or by deposition is attached as Exhibit 9.

33. Defendant’s list of witnesses it may call at trial in person or by deposition is attached as Exhibit 10.

34. By no later than January 13, 2014, the parties shall exchange final witness lists (“Final List of Trial Witnesses”) in accordance with the Court’s “Guidelines for Civil Trials (Revised July 12, 2011).”

35. The listing of a witness on a party's witness list does not require that party to call that witness to testify, either in person or by deposition.

36. A party shall promptly provide notice if for any reason it does not intend to call live a witness who is so identified on its Final List of Trial Witnesses. In that event, each party shall be allowed to designate (including counter-designations) and offer deposition testimony from such a witness, subject to the requirements of Fed. R. Civ. P. 32 and paragraph 42, below. To the extent a party gives notice that a fact witness identified as a live witness on the Final List of Trial Witnesses is not going to be called, designations for such witnesses will be provided within forty-eight (48) hours of the time the party informs the other parties that it will not call a witness at trial. Counter-designations will be provided within twenty-four (24) hours of the time designations are provided. The responding party will have the opportunity to raise any appropriate objections.

37. The following procedures shall apply to the identification of witnesses, exhibits, and demonstrative exhibits for a party's case-in-chief prior to the witness's testimony and/or use of exhibits:

a. By no later than 7:00 p.m. Eastern Time on the day before witnesses are expected to testify, the offering party will provide to the other party via electronic mail the names and order of the witnesses, including whether they will testify live or by deposition;

b. At the same time, the offering party will send by electronic mail a list of any exhibits and all final copies of demonstrative exhibits when first used (subject only to addressing evidentiary objections or rulings) they intend to use at trial for each witnesses;

c. By no later than 10:00 p.m. Eastern Time that same day, the party receiving the demonstratives or exhibits shall inform the offering party of any objections to such demonstratives or exhibits;

d. By no later than 11:00 pm Eastern Time that same day, the parties shall meet and confer to resolve any objections; and

e. Any continuing disputes as to exhibits to be used with witnesses shall be raised with the Court as appropriate before each trial day commences.

38. The notice provisions of this paragraph shall not apply to demonstrative exhibits created in the courtroom during testimony or to the enlargement, highlighting, ballooning, excerption, etc. of trial exhibits or testimony.

39. The translator of any certified translation included on any party's exhibit list is presumed to be a qualified expert in translations, and is presumed to have used ordinary accepted methods in translating the document listed, subject to the right of the party against whom the exhibits are offered to adduce evidence to the contrary.

40. A party offering a witness who may testify in a language other than English will notify the other side as to the extent to which an interpreter will be used no later than one week prior to any testimony from the witness; and the parties will meet and confer to agree on a mutually acceptable interpreter.

41. The parties agree that any deposition testimony to be used at trial may be used whether or not transcripts of such deposition have been signed and filed pursuant to Fed. R. Civ. P. 30(b).

42. Unless otherwise agreed to by the parties during trial, each party shall provide notice of the specific lines and pages of each deposition transcript, prior to reading or playing a video of the deposition at trial (other than for impeachment of a witness) that a party intends to use by no later than 72 hours before such testimony is to be read or played. The parties agree that deposition testimony can be read into the trial record instead of being played by video. The other party will identify any objections to the designated testimony and any specific pages and lines from that deposition to counter-designate by no later than 24 hours after the designations are provided. The parties shall meet and confer to resolve any objections to designated deposition testimony by no later than 12 hours before such testimony is to be read or played. If the objections to disputed testimony cannot be resolved by the parties, the objections will be presented to the Court as appropriate before trial resumes on the day of their anticipated use. The parties agree to exchange any excerpts of source code to be used at trial according to the same procedure and schedule as deposition excerpts.

43. To the extent the Court permits a party to present a witness by deposition at trial during its case-in-chief, the party offering the testimony will play or read both the designated portion of the testimony and the opposing party's counter-designations, omitting (as agreed upon in advance by the parties) objections or colloquy where appropriate. The time for such designations shall be allocated to each party accordingly.

44. The listing of a deposition designation or discovery response does not constitute an admission as to the admissibility of the testimony or discovery response nor is it a waiver of any applicable objection.

45. Plaintiffs agree that if a fact witness (who is not an expert witness for Plaintiffs) on Defendant's list of witnesses to be called at trial or by deposition will be called by Plaintiffs in its case, Defendant may on cross examination elicit testimony from such witness relating to Defendant's case in chief as needed to avoid having to recall the witness, and, therefore, Defendant's cross examination will not be limited to the scope of Plaintiffs' direct. Defendant reserves the right to recall such witness in its case. Defendant agrees that if a fact witness (who is not an expert witness for Defendant) on Plaintiffs' list of witnesses to be called at trial or by deposition will be called by Defendant in its case, Plaintiffs may on cross examination elicit testimony from such witness relating to Plaintiffs' case in chief as needed to avoid having to recall the witness, and, therefore, Plaintiffs' cross examination will not be limited to the scope of Defendant's direct. Plaintiffs reserve the right to recall such witness in its case.

46. By 9:00 a.m. Eastern Time one day before it intends to rest its case-in-chief, the resting party shall give the other party notice of its intention to rest so that the parties have an opportunity to comply with the other notice provisions of this Order.

VIII. BRIEF STATEMENT OF INTENDED PROOFS

47. In support of its claims and in addition to the facts not in dispute, Plaintiffs expect to offer the proofs set forth in Exhibit 11. The statement does not purport to be exhaustive of all issues to be tried.

48. In support of its claims and in addition to the facts not in dispute, Defendant expects to offer the proofs set forth in Exhibit 12. The statement does not purport to be exhaustive of all issues to be tried.

IX. PENDING MOTIONS AND ISSUES

49. On July 25, 2013, the parties filed a joint claim construction chart. D.I. 208. On July 26, 2013, Plaintiffs filed its opening claim construction brief. D.I. 210. Defendant filed its reply claim construction brief on August 9, 2013. D.I. 224.

50. On July 26, 2013, Defendant moved to preclude IV's experts testimony concerning the licensing of the patents-in-suit, the purported commercial success of the claimed inventions, the purported commercial success of Motorola's allegedly infringing products, Dr. Alpert's opinion that Motorola copied the '462 patent, and Dr. Gibson's opinion concerning the priority date of the '450 patent. D.I. 212. Plaintiffs have opposed the motion. D.I. 226.

51. On August 20, 2013, Defendant moved for partial summary judgment of invalidity of the patents-in-suit. D.I. 230. Plaintiffs have opposed the motion. D.I. 250.

52. On September 10, 2013, Defendant moved for partial summary judgment of non-infringement of the patents-in-suit. D.I. 252. Plaintiffs have opposed the motion. D.I. 267.

X. PROPOSED AMENDMENTS TO PLEADINGS

53. Each party reserves the right to amend its pleadings to conform to proof.

XI. CERTIFICATE OF ATTEMPTED RESOLUTION OF CONTROVERSY

54. The parties certify that two-way communications have occurred between persons having authority in a good faith effort to explore the resolution of the controversy by settlement. No agreement has been reached.

XII. OTHER MATTERS THE PARTIES WISH TO ADDRESS AT THE PRETRIAL CONFERENCE

55. Matters that the Plaintiffs would like to raise at the Pretrial Conference are set forth in Exhibit 13.

56. Matters that the Defendant would like to raise at the Pretrial Conference are set forth in Exhibit 14.

57. Following are evidentiary issues to which the parties have stipulated:

a. The parties agree that, absent agreement to the contrary among the parties or permission from the Court on a case-by-case basis, a witness cannot be examined at trial with respect to a document that the witness was not permitted to view under the Protective Order entered in this case.

b. In examining expert witnesses at trial, the parties agree that counsel is not permitted to inquire or elicit testimony about communications between experts and counsel or about draft reports or notes by the expert.

c. The parties agree that neither party will offer any evidence, testimony, opinions, or arguments regarding settlement communications between the parties pursuant to Fed. R. Evid. 408 or pursuant to any agreements between the parties relative to such communications.

d. The parties agree that they will not offer evidence or argument regarding the fact that the number of claims or number of prior art references were narrowed by agreement of the parties.

e. The parties agree that they will not offer evidence or argument regarding any equitable defenses or remedies, or any reference to the bifurcation of issues relating to remedies and willfulness.²

f. The parties agree not to refer to IV as a “troll” or similar term but nothing in the foregoing prohibits Motorola Mobility from introducing relevant facts about IV.

g. Notwithstanding anything to the contrary herein, the parties agree that the following patents are being asserted with respect to the following products:

<u>Patent</u>	<u>Accused Products</u>
'144 Patent	Atrix 2 Atrix 4G Atrix HD Admiral Electrify Electrify 2 Electrify M Photon 4G Photon Q 4G LTE Defy XT XT 886 XPRT Titanium Triumph Rambler Bali i576 Quantico Brute i680 Brute i686 Clutch i475 i412

² As stated above, it is Motorola's position that willfulness is not at issue in any phase of this case, because, inter alia, IV did not plead it.

	i886 Milestone X Theory i867
'953 Patent	Atrix 2 Atrix 4G Atrix HD Admiral Electrify Electrify 2 Photon 4G Photon Q 4G LTE Defy XT XT 886 XPRT Titanium Triumph Milestone X
'450 Patent	Admiral Photon 4G Photon Q 4G LTE XPRT
'462 Patent	Motorola Lapdock for Atrix 4G Motorola Lapdock 100 Motorola Lapdock 500 Pro Atrix 4G Photon 4G Electrify Photon Q 4G LTE Atrix HD Atrix 2
'054 Patent	Atrix 4G Atrix 2 Atrix HD Electrify Electrify 2 Electrify M Admiral Photon 4G Photon Q 4G LTE XPRT

	Titanium Milestone X Triumph i867 Defy XT XT 886
'464 Patent	Atrix 4G Atrix 2 Atrix HD Electrify Electrify 2 Electrify M Admiral Photon 4G Photon Q 4G LTE XPRT Titanium Milestone X Triumph i867 Defy XT XT 886

h. The parties agree that Motorola products that are branded or co-branded under a name or mark of Verizon Corporate Services Group or any of its affiliates, including but not limited to Verizon Wireless, are not accused of infringement.

XIII. VOIR DIRE

58. The parties will file any proposed special voir dire questions by January 10, 2014. If the Court has not had an opportunity to issue its claim construction or summary judgment rulings by January 3, 2014, the parties agree to meet and confer regarding proposed revisions of the due date set forth in this Paragraph.

XIV. JURY INSTRUCTIONS

59. The parties will file proposed preliminary and final jury instructions by January 10, 2014. If the Court has not had an opportunity to issue its claim construction or summary judgment rulings by January 3, 2014, the parties agree to meet and confer regarding proposed revisions of the due date set forth in this Paragraph.

XV. VERDICT FORM

60. The parties will file a proposed verdict form by January 10, 2014. If the Court has not had an opportunity to issue its claim construction or summary judgment rulings by January 3, 2014, the parties agree to meet and confer regarding proposed revisions of the due date set forth in this Paragraph.

XVI. OTHER MISCELLANEOUS ISSUES

61. Scope of Trial. The parties agree to narrow the scope of issues to be tried as follows:

i. Five days following all of the Court's claim construction and summary judgment rulings, Plaintiffs will identify the patents and claims that will be asserted at trial.

j. By no later than three days after Plaintiffs identify the patents and claims to be asserted, Defendant will identify the defenses and prior art references that will be asserted at trial;

k. By no later than one day after Defendant identifies its defenses, the parties will meet and confer to resolve any disputes regarding the patents, defenses, and prior art references that will be asserted at trial; and

1. By no later than one day after the parties meet and confer, the parties will jointly inform the Court of the patents, defenses, and prior art references that will be asserted at trial.

62. Expected Duration of Trial. The parties believe that the issues in dispute, as narrowed pursuant to the procedure set forth above, should be set to be tried in 10 days, with the time being equally divided between Plaintiffs and Defendant.

63. Order of Proof. The parties agree that the presentation of evidence will be as follows: Plaintiffs will present background and its case on infringement; Defendant will answer Plaintiffs' infringement case and present background and its case on invalidity; Plaintiffs will answer Defendant's invalidity case. Motorola intends to rebut IV's validity case. IV has proposed that both sides waive any further rebuttal and will raise this issue during the January 2, 2014 hearing. To the extent Motorola is permitted to rebut Plaintiff's validity case, IV reserves its right to rebut Defendant's non-infringement case.

64. Juror Information. The parties may provide to each juror a jury notebook containing the Asserted Patents, any prior art admitted as evidence including any certified translations thereof, a chart showing the Court's claim constructions and the parties' agreed constructions for the Asserted Claims, and such other evidence on which the parties agree. The jurors shall be permitted to take handwritten notes during the presentations of the parties and may bring these notebooks and handwritten notes into the deliberation room.

65. Service of Documents. Service of all documents required under this Order shall occur by electronic mail or FTP site.

XVII. ORDER TO CONTROL COURSE OF ACTION

66. This Order shall control the subsequent course of action unless modified by the Court.

67. The parties reserve their rights to propose modifications to this Order, and the attached exhibits, for good cause and subject to the Court's approval. Good cause shall include any modifications made necessary by subsequent Court orders.

Dated: December 26, 2013

Respectfully submitted,

FARNAN LLP

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Ventures I*

LLC and Intellectual Ventures II LLC

SO ORDERED on this ____ day of January ____, 2014.

The Honorable Sue L. Robinson

EXHIBIT 1
STATEMENT OF ADMITTED FACTS

I. PARTIES

1. Intellectual Ventures I is a Delaware limited liability company with its principal place of business located in Bellevue, Washington.
2. Intellectual Ventures II is a Delaware limited liability company with its principal place of business located in Bellevue, Washington.
3. Motorola Mobility LLC is a Delaware limited liability company having its principal place of business in Libertyville, Illinois.

II. PATENTS-IN-SUIT

1. The '144 patent issued on October 5, 2010. It is titled "File Transfer System For Direct Transfer Between Computers."
2. The named inventors of the '144 patent are Christopher Clarke and Maurice Haff.
3. Intellectual Ventures I owns the '144 patent and holds the right to sue for infringement, including past infringement.
4. The '953 patent issued on July 2, 2002. It is titled "Illumination Device And Image Projection Apparatus Comprising The Device."
5. The named inventors of the '953 patent are Kuo-Tung Tiao, Kuang-Vu Chen, Fu-Ming Chuang, and Jinn-Chou Yoo.
6. Intellectual Ventures II is the exclusive licensee of the '953 patent and is the assignee of all causes of action and enforcement rights of any kind.
7. The '450 patent issued on August 5, 2008. It is titled "Transmission Control Protocol/Internet Protocol (TCP/IP) Packet-Centric Wireless Point To Multi-point (PTMP) Transmission System Architecture."

8. The named inventor of the '450 patent is Jacob W. Jorgensen.

9. Intellectual Ventures I owns the '450 patent and holds the right to sue for infringement, including past infringement.

10. The '462 patent issued on October 10, 2006. It is titled "Portable Computing, Communication And Entertainment Device With Central Processor Carried In A Detachable Handset."

11. The named inventor of the '462 patent is Rajendra Kumar.

12. Intellectual Ventures II owns the '462 patent and holds the right to sue for infringement, including past infringement.

13. The '054 patent issued on April 29, 2003. It is titled "Method And System For Distributing Updates By Presenting Directory Of Software Available For User Installation That Is Not Already Installed On User Station."

14. The named inventor of the '054 patent is Richard R. Reisman.

15. Intellectual Ventures I owns the '054 patent and holds the right to sue for infringement, including past infringement.

16. The '464 patent issued on December 2, 2003. It is titled "User Station Software That Controls Transport, Storage, And Presentation Of Content From A Remote Source."

17. The named inventor of the '464 patent is Richard R. Reisman.

18. Intellectual Ventures I owns the '464 patent and holds the right to sue for infringement, including past infringement.

III. ACCUSED PRODUCTS

Patent	Accused Products
'144 Patent	Atrix 2 Atrix 4G Atrix HD Admiral Electrify Electrify 2 Electrify M Photon 4G Photon Q 4G LTE Defy XT XT 886 XPRT Titanium Triumph Rambler Bali i576 Quantico Brute i680 Brute i686 Clutch i475 i412 i886 Milestone X Theory i867
'953 Patent	Atrix 2 Atrix 4G Atrix HD Admiral Electrify Electrify 2 Photon 4G Photon Q 4G LTE Defy XT XT 886 XPRT Titanium Triumph Milestone X

'450 Patent	Admiral Photon 4G Photon Q 4G LTE XPRT
'462 Patent	Motorola Lapdock for Atrix 4G Motorola Lapdock 100 Motorola Lapdock 500 Pro Atrix 4G Photon 4G Electrify Photon Q 4G LTE Atrix HD Atrix 2
'054 Patent	Atrix 4G Atrix 2 Atrix HD Electrify Electrify 2 Electrify M Admiral Photon 4G Photon Q 4G LTE XPRT Titanium Milestone X Triumph i897 Defy XT XT 886
'464 Patent	Atrix 4G Atrix 2 Atrix HD Electrify Electrify 2 Electrify M Admiral Photon 4G Photon Q 4G LTE XPRT Titanium Milestone X Triumph

	i897 Defy XT XT 886
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EXHIBIT 2
PLAINTIFFS' STATEMENT OF FACTS THAT REMAIN TO BE LITIGATED

Should the Court determine that any issue identified in this exhibit as an issue of fact is more properly identified as an issue of law, it should be so considered. Plaintiff reserves the right to revise this exhibit as necessary in light of the Court's decisions on claim construction, summary judgment, or any evidentiary motion.

I. INFRINGEMENT

1. Whether Plaintiffs can prove by a preponderance of the evidence that Defendant's Accused Products infringe, literally or under the doctrine of equivalents, any of the following claims:

- a. Claims 10, 14, 15, 26, 29, 30 and 41 of the '144 patent;
- b. Claim 1 of the '953 patent;
- c. Claims 1-3, 5, 8-9 of the '450 patent;
- d. Claims 1-3, 8, 10-13 of the '462 patent;
- e. Claims 151-155, 159-165, 181-185, 189-195, 256-260, 264-270 of the '054 patent;
- f. Claims 1-8, 16-17, 19 of the '464 patent.

2. Whether Plaintiffs can prove by a preponderance of the evidence that Defendant's is liable for contributory infringement and/or induced infringement of any of the following claims:

- a. Claims 10, 14, 15, 26, 29, 30, 41 of the '144 patent;
- b. Claims 1-3, 5, 8-9 of the '450 patent;
- c. Claims 1-3, 8, 10-13 of the '462 patent;

d. Claims 151-155, 159-165, 181-185, 189-195, 256-260, 264-270 of the '054 patent;

e. Claims 1-8, 16-17, 19 of the '464 patent

3. Whether Plaintiffs can prove that a person of ordinary skill in the art is the following for the following patents:

a. '144 patent: A person of ordinary skill in the art for the '144 patent at the time of the invention would have earned a Bachelor's Degree in Electrical Engineering, Computer Science, or Computer Engineering in combination with two years of working experience in implementing client-server or other networking systems, or equivalent training and experience;

b. '953 patent: A person of ordinary skill in the art for the '953 patent at the time of the invention would be an engineer with a Bachelor's Degree in Physics, Electrical Engineering, or Materials Science and Engineering, and two or more years of experience working with optical device, or equivalent training and experience;

c. '450 patent: A person of ordinary skill in the art for the '450 patent at the time of the invention would have earned a Master's Degree in Electrical Engineering or a related technical field, or a Bachelor's Degree in Electrical Engineering in combination with two to three years of experience in the wireless communications field, or equivalent training and experience;

d. '462 patent: A person of ordinary skill in the art for the '462 patent at the time of the invention would be an engineer with a Bachelor's Degree in Electrical or Computer Engineering and one or more years of experience working

with portable computing or communications devices, or equivalent training and experience;

e. '464 patent and '054 patent: A person of ordinary skill in the art for the '054 and the '464 patents at the time of the inventions would have earned at least a Bachelor's Degree in computer science or electrical engineering and two or more years of experience in the areas of software design or computer programming, including experience with computer applications, computer networking, and user interfaces, or equivalent training and experience.

II. VALIDITY

4. Whether Plaintiffs can prove by preponderance of the evidence the following dates of invention:

- a. '144 patent: April 1997 and in no event later than November 13, 1997;
- b. '953 patent: May 26, 1998;
- c. '450 patent: April 17, 1998 and in no event later than June 16, 1998;
- d. '462 patent: April 7, 1999;
- e. '054 patent: September 30, 1993, and in no event later than May 31, 1994;
- f. '464 patent: September 30, 1993, and in no event later than May 31, 1994.

5. Whether Defendant can prove by clear and convincing evidence that:

a. the purported prior art identified by Defendant is prior art to the patents-in-suit;

b. the purported prior art anticipates any of the asserted claims of the patents-in-suit;

c. the purported prior art – either alone or in combination with other purported prior art references – renders obvious any of the asserted claims of the patents-in-suit;

d. the asserted claims of the '144 patent, the '054 patent and the '464 patent do not meet the written description and enablement requirements of 35 U.S.C. section 112.

6. Other factual issues related to validity include

a. The scope and content of the prior art at the time the inventions were made.

b. The level of ordinary skill in the art at the time the inventions were made.

c. The differences between the prior art and the claimed inventions.

d. Whether the prior art teaches away from the claimed inventions.

e. Whether the prior art is analogous prior art.

f. Whether the prior art is enabled prior art.

g. Whether and in what way there would have been a reason to combine elements to arrive at the claimed inventions.

h. Whether secondary considerations, including long-felt need, failure of others, licensing, recognition in the industry, and commercial success, support the nonobviousness of the claimed inventions.

EXHIBIT 3

DEFENDANT'S STATEMENT OF FACTS THAT REMAIN TO BE LITIGATED

Defendant Motorola Mobility LLC respectfully submits the following issues of fact that remain to be litigated. Should the Court determine that any issue identified in this statement as an issue of fact is more properly considered an issue of law, Motorola Mobility respectfully requests that it should be so considered. Motorola Mobility's statement of facts addresses only factual disputes relevant to the liability phase of litigation for the Asserted Claims of the Asserted Patents as defined in the Proposed Joint Pretrial Order. Motorola Mobility reserves the right to revise the statement as necessary to address bifurcated issues. Motorola Mobility reserves the right to revise this statement as necessary in light of the Court's decisions on claim construction, summary judgment, or any evidentiary motions. Motorola Mobility also includes in this statement issues on which summary judgment, or partial summary judgment, was sought by Motorola Mobility. Inclusion of such issues in this statement should not be deemed an admission that those issues contain factual disputes and thus make summary judgment improper; rather, their inclusion in this statement is simply to preserve those issues for trial should one be needed. Motorola Mobility further addresses each Asserted Claim of each Asserted Patent without prejudice to its argument that Plaintiffs should not be permitted to try all Asserted Claims and Asserted Patents at trial.

I. Invalidity

A. Anticipation

1. Whether each of claim 10, 14, 26, 29, and 41 of the '144 patent is anticipated, pursuant to 35 U.S.C. § 102, by any of the following references:

a. Overend, U.S. Patent No. 5,379,340;

b. Legal Information Exchange (“LIX”), which was at least offered for sale in the United States prior to the invention date of the ‘144 patent and described in a printed publication made publicly available prior to the invention date of the ‘144 patent;

c. NeXT System (“NeXT”), which was in public use and offered for sale in the United States Prior to the invention date of the ‘144 patent and described in printed publications made publicly available prior to the invention date of the ‘144 patent; or

d. Internet Express: An Inter-Desktop Multimedia Data-Transfer Service, Murugappan Palaniappan and George Fitzmaurice, 1991 (“Internet Express”).

2. Whether claim 1 of the ‘953 patent is anticipated, pursuant to 35 U.S.C. § 102, by any of the following references:

- a. Arakawa, U.S. Patent No. 6,559,911;
- b. Hiyama, U.S. Patent No. 6,104,454; or
- c. Kashima, U.S. Patent No. 6,504,589.

3. Whether each of claims 1-2 of the ‘462 patent is anticipated, pursuant to 35 U.S.C. § 102, by any of the following references:

- a. Nelson, U.S. Patent No. 5,436,857;
- b. Kobayashi, U.S. Patent No. 5,463,742;
- c. Jenkins, U.S. Patent No. 6,029,183; or
- d. Boyle, U.S. Patent No. 5,323,291.

4. Whether each of claims 11-12 of the ‘462 patent is anticipated, pursuant to 35 U.S.C. § 102, by any of the following references:

- a. Nelson; or
- b. Kobayashi.

5. Whether each of claims 151-155, 159-165, 181-185, 189-195, 256-260, and 264-270 of the '054 patent is anticipated, pursuant to 35 U.S.C. § 102, by any of the following references:

- a. Grube, U.S. Patent No. 6,026,366;
- b. U.S. App. No. 08/124,616;
- b. CompuServe System, which was in public use and offered for sale in the United States Prior to the invention date of the '054 patent and described in printed publications made publicly available prior to the invention date of the '054 patent.

6. Whether each of claims 151-155, 159, 160, 162, 165, 181-185, 189, 190, 192, 195, 256-260, 264, 265, 267, and 270 of the '054 patent is anticipated, pursuant to 35 U.S.C. § 102, by any of the following references:

- a. Fawcett, U.S. Patent No. 6,073,214; or
- b. Fawcett, U.S. Patent No. 6,327,617.

7. Whether each of claims 151, 152, 154, 159, 160, 163, 181, 182, 184, 189, 190, 193, 256, 257, 259, 264, 265, and 268 of the '054 patent is anticipated, pursuant to 35 U.S.C. § 102, by any of the following references:

- a. Boman, U.S. Patent No. 5,654,901

8. Whether each of claims 1-8, 16-17, and 19 of the '464 patent is anticipated, pursuant to 35 U.S.C. § 102, by any of the following references:

- a. Ogaki, U.S. Patent No. 4,654,799
- b. CompuServe System, which was in public use and offered for sale in the United States Prior to the invention date of the '464 patent and described in printed publications made publicly available prior to the invention date of the '464 patent; or

c. Paul Gilster, "The Mosaic Navigator," Wiley & Sons,. Inc., 1995.

9. Whether each of claims 1-2, 4-8, and 19 of the '464 patent are anticipated, pursuant to 35 U.S.C. § 102, by any of the following references:

a. Bowen & Payton, "How to Get the Most Out of CompuServe," 5th ed., 1991

10. Whether each of claims 1, 2, 4, 5, and 8 of the '464 patent is anticipated, pursuant to 35 U.S.C. § 102, by any of the following references:

a. Grube, U.S. Patent No. 5,201,067

11. Whether each of claims 1, 5, and 8 of the '464 patent is anticipated, pursuant to 35 U.S.C. 102, by any of the following references:

a. Tom Lichty, "The Official America Online for Macintosh Tour Guide," Ventana Press, 2d ed. 1994.

12. Whether each of claims 1-3, 5, and 8-9 of the '450 patent is anticipated, pursuant to 35 U.S.C. 102, by any of the following references:

a. SWAN: A Mobile Multimedia Wireless Network by Prathima Agrawal, Eoin Hyden, Paul Krzyzanowski, Partho Mishra, Mani B. Srivastava, and John A. Trotter, April 1996, IEEE Personal Communications, Page(s): 18-33.

b. Sylvain, U.S. Patent No. 6,118,777

c. JP H08-107417

d. the Packet Shaper system, which was in public use and offered for sale in the United States Prior to the invention date of the '450 patent and described in printed publications made publicly available prior to the invention date of the '450 patent.

B. Obviousness¹

Motorola will offer evidence on the following issues of fact, with respect to obviousness of the asserted claims of the Asserted Patents, as set forth in Motorola's experts' reports served on IV.

1. Whether each of claims 10, 14, 26, 29, and 41 of the '144 patent is obvious, pursuant to 35 U.S.C. § 103, to a person of ordinary skill in the art at the time of the claimed invention in view of one or more of the following references:

- a. Overend, U.S. Patent No. 5,379,340;
- b. Legal Information Exchange ("LIX"), which was offered for sale in the United States prior to the invention date of the '144 patent and described in a printed publication made publicly available prior to the invention date of the '144 patent;
- c. NeXT System ("NeXT"), which was in public use and offered for sale in the United States Prior to the invention date of the '144 patent and described in printed publications made publicly available prior to the invention date of the '144 patent;
- d. Internet Express: An Inter-Desktop Multimedia Data-Transfer Service, Murugappan Palaniappan and George Fitzmaurice, 1991 ("Internet Express");
- e. Non-Repudiation With Mandatory Proof of Receipt, Tom Coffey and Puneet Saidha, ACM SIGCOMM Computer Communication Review, 1996 ("Coffey"); or
- f. Micali, U.S. Patent No. 5,553,145.

2. Whether each of claims 15 and 30 of the '144 patent is obvious, pursuant to 35 U.S.C. § 103, to a person of ordinary skill in the art at the time of the claimed invention in view of one or more of the following references:

¹ Intellectual Ventures objects to Motorola's use of "one or more of the following references" as being beyond the scope of the opinions offered by Motorola's experts regarding obviousness.

- a. Overend, U.S. Patent No. 5,379,340;
- b. Legal Information Exchange (“LIX”), which was offered for sale in the United States prior to the invention date of the ‘144 patent and described in a printed publication made publicly available prior to the invention date of the ‘144 patent;
- c. NeXT System (“NeXT”), which was in public use and offered for sale in the United States Prior to the invention date of the ‘144 patent and described in printed publications made publicly available prior to the invention date of the ‘144 patent;
- d. Internet Express: An Inter-Desktop Multimedia Data-Transfer Service, Murugappan Palaniappan and George Fitzmaurice, 1991 (“Internet Express”); or
- e. Ferguson, U.S. Patent No. 5,801,700.

3. Whether claim 1 of the ‘953 patent is obvious, pursuant to 35 U.S.C. § 103, to a person of ordinary skill in the art at the time of the claimed invention in view of one or more of the following references:

- a. Arakawa, U.S. Patent No. 6,559,911;
- b. Hiyama, U.S. Patent No. 6,104,454;
- c. Kashima, U.S. Patent No. 6,504,589;
- d. Kawai, U.S. Patent No. 5,499,112;
- e. Hooker, U.S. Patent No. 5,477,422;
- f. Miyazaki, U.S. Patent No. 6,065,845;
- g. Pelka, U.S. Patent No. 6,007,209;
- h. Anderson, U.S. Patent No. 5,414,598;
- i. Ouderkirk, WPO Publication No. WO 95/17692; or
- j. Mukasa, Japanese Publication H3-6525.

4. Whether each of claims 1-3, 8-9, and 11-13 of the '462 patent is obvious, pursuant to 35 U.S.C. § 103, to a person of ordinary skill in the art at the time of the claimed invention in view of one or more of the following references:

- a. Nelson, U.S. Patent No. 5,436,857;
- b. Kobayashi, U.S. Patent No. 5,463,742;
- c. Jenkins, U.S. Patent No. 6,029,183;
- d. Boyle, U.S. Patent No. 5,323,291; or
- e. Smith, U.S. Patent No. 7,549,007.

5. Whether each of claims 8-9 of the '462 patent is obvious, pursuant to 35 U.S.C. § 103, to a person of ordinary skill in the art at the time of the claimed invention in view of one or more of the following references:

- a. Nelson, U.S. Patent No. 5,436,857;
- b. Smith, U.S. Patent No. 7,549,007;
- c. Kobayashi, U.S. Patent No. 5,463,742;
- d. Toshiba Satellite Pro 430CDS/430CDT Product Specifications, 1998 ("Toshiba");
- e. Boyle, U.S. Patent No. 5,323,291; or.
- f. Jenkins, U.S. Patent No. 6,029,183.

6. Whether each of claims 8-10 of the '462 patent is obvious, pursuant to 35 U.S.C. § 103, to a person of ordinary skill in the art at the time of the claimed invention in view of one or more of the following references:

- a. Nelson, U.S. Patent No. 5,436,857;
- b. Smith, U.S. Patent No. 7,549,007;

- c. Kobayashi, U.S. Patent No. 5,463,742;
- d. Ethridge, U.S. Patent No. 5,798,733;
- e. Boyle, U.S. Patent No. 5,323,291; or
- f. Jenkins, U.S. Patent No. 6,029,183.

7. Whether claim 10 of the '462 patent is obvious, pursuant to 35 U.S.C. § 103, to a person of ordinary skill in the art at the time of the claimed invention in view of one or more of the following references:

- a. Nelson, U.S. Patent No. 5,436,857;
- b. Smith, U.S. Patent No. 7,549,007;
- c. Kobayashi, U.S. Patent No. 5,463,742;
- d. Tao, U.S. Patent No. 5,555,491;
- e. Boyle, U.S. Patent No. 5,323,291; or
- f. Jenkins, U.S. Patent No. 6,029,183.

8. Whether each of claims 11-13 of the '462 patent is obvious, pursuant to 35 U.S.C. § 103, to a person of ordinary skill in the art at the time of the claimed invention in view of one or more of the following references:

- a. Nelson, U.S. Patent No. 5,436,857;
- b. Smith, U.S. Patent No. 7,549,007;
- c. Kobayashi, U.S. Patent No. 5,463,742;
- d. Jenkins, U.S. Patent No. 6,029,183; or
- e. Ditzik, U.S. Patent No. 5,983,073.

9. Whether each of claims 151-155, 159-165, 181-185, 189-195, 256-260, 264-270 of the '054 patent is obvious, pursuant to 35 U.S.C. § 103, to a person of ordinary skill in the art at the time of the claimed invention in view of one or more of the following references:

- a. Grube, U.S. Patent No. 6,026,366;
- b. U.S. App. No. 08/124,616;
- c. CompuServe System, which was in public use and offered for sale in the United States Prior to the invention date of the '054 patent and described in printed publications made publicly available prior to the invention date of the '054 patent;
- c. Bowen & Payton, "How to Get the Most Out of CompuServe," 1st ed., 1984; or
- d. Jones, "Compuserve Users Receive Crosstalk Forum," Info World, Sept. 21, 1987.
- e. Tim Berners-Lee and Daniel Connolly, "Hypertext Markup Language (HTML): A Representation of Textual Information and Meta Information for Retrieval and Interchange," Internet Draft Version 1.2 (June 1993).
- f. Dennis J. Reynolds, "Evaluating Dial-Up Internet Access Options," Computers in Libraries, 1993.
- g. April 1, 1994 message from Gerard Versteeg to Newsgroup alt.internet.services re: Compuserve access via Internet.
- h. CompuServe Press Release: CompuServe Extends Information Superhighway with Enhanced Internet Access, March 8, 1994
- i. CompuServe Press Release: Questions & Answers Regarding CompuServe's Announcement of Internet Services, March 15, 1994;

12. Whether each of claims 3 and 16-17 of the '464 patent is obvious, pursuant to 35 U.S.C. § 103, to a person of ordinary skill in the art at the time of the claimed invention in view of one or more of the following references:

- a. Bowen & Payton, "How to Get the Most Out of CompuServe," 5th ed., 1991;
- b. Joel Diamond, "Giving CompuServe a Chance," Network World, May 15, 1995.
- c. April 1, 1994 message from Gerard Versteeg to Newsgroup alt.internet.services re: Compuserve access via Internet.
- d. CompuServe Press Release: CompuServe Extends Information Superhighway with Enhanced Internet Access, March 8, 1994
- e. CompuServe Press Release: Questions & Answers Regarding CompuServe's Announcement of Internet Services, March 15, 1994; or
- f. Dennis J. Reynolds, "Evaluating Dial-Up Internet Access Options," Computers in Libraries, 1993.

14. Whether each of claims 3 and 16-17 of the '464 patent is obvious, pursuant to 35 U.S.C. § 103, to a person of ordinary skill in the art at the time of the claimed invention in view of one or more of the following references:

- a. Ogaki, U.S. Patent No. 4,654,799

b. Tim Berners-Lee and Daniel Connolly, "Hypertext Markup Language (HTML): A Representation of Textual Information and Meta Information for Retrieval and Interchange," Internet Draft Version 1.2 (June 1993).

c. Dennis J. Reynolds, "Evaluating Dial-Up Internet Access Options," Computers in Libraries, 1993.

15. Whether claim 1 of the '450 patent is obvious, pursuant to 35 U.S.C. § 103, to a person of ordinary skill in the art at the time of the claimed invention in view of one or more of the following references:

a. Sylvain, U.S. Patent No. 6,118,777

b. RFC 791 Internet Protocol, September 1981

c. RFC 793 Transmission Control Protocol, September 1981

d. JP H08-107417

e. Raleigh, U.S. Patent No. 6,463,096

f. Bauman, U.S. Patent No. 6,046,979

g. Craddock, U.S. Patent No. 6,005,851

h. Yin, U.S. Patent No. 5,926,458

i. the Packet Shaper system, which was in public use and offered for sale in the United States Prior to the invention date of the '450 patent and described in printed publications made publicly available prior to the invention date of the '450 patent.

j. Riddle, U.S. Patent No. 6,412,000

k. Riddle, U.S. Provisional Patent Application No. 60/066,864

l. Packer, U.S. Patent Application No. 08/977,376.

m. the Stelliga/Softcom system, which was in public use and offered for sale in the United States Prior to the invention date of the '450 patent and described in printed publications made publicly available prior to the invention date of the '450 patent, including Stelliga, U.S. Patent No. 6,625,650 and U.S. Provisional Patent Application No. 60/090,939 (including Softcom literature).

n. SWAN: A Mobile Multimedia Wireless Network by Prathima Agrawal, Eoin Hyden, Paul Krzyzanowski, Partho Mishra, Mani B. Srivastava, and John A. Trotter, April 1996, IEEE Personal Communications, Page(s): 18-33.

o. ATM Concepts, Architectures, and Protocols by Ronald J. Vetter, February 1995, Communications of the ACM, Vol. 38, No. 2.

16. Whether each of claims 2-3 of the '450 patent is obvious, pursuant to 35 U.S.C. § 103, to a person of ordinary skill in the art at the time of the claimed invention in view of one or more of the following references:

- a. Sylvain, U.S. Patent No. 6,118,777
- b. RFC 791 Internet Protocol, September 1981
- c. RFC 793 Transmission Control Protocol, September 1981
- d. JP H08-107417
- e. Raleigh, U.S. Patent No. 6,463,096
- f. Bauman, U.S. Patent No. 6,046,979
- g. Craddock, U.S. Patent No. 6,005,851
- h. Yin, U.S. Patent No. 5,926,458

i. the Packet Shaper system, which was in public use and offered for sale in the United States Prior to the invention date of the '450 patent and described in printed publications made publicly available prior to the invention date of the '450 patent.

j. Riddle, U.S. Patent No. 6,412,000

k. Riddle, U.S. Provisional Patent Application No. 60/066,864

l. Packer, U.S. Patent Application No. 08/977,376.

m. the Stelliga/Softcom system, which was in public use and offered for sale in the United States Prior to the invention date of the '450 patent and described in printed publications made publicly available prior to the invention date of the '450 patent, including Stelliga, U.S. Patent No. 6,625,650 and U.S. Provisional Patent Application No. 60/090,939 (including Softcom literature).

n. SWAN: A Mobile Multimedia Wireless Network by Prathima Agrawal, Eoin Hyden, Paul Krzyzanowski, Partho Mishra, Mani B. Srivastava, and John A. Trotter, April 1996, IEEE Personal Communications, Page(s): 18-33.

o. ATM Concepts, Architectures, and Protocols by Ronald J. Vetter, February 1995, Communications of the ACM, Vol. 38, No. 2.

19. Whether claim 5 of the '450 patent is obvious, pursuant to 35 U.S.C. § 103, to a person of ordinary skill in the art at the time of the claimed invention in view of one or more of the following references:

a. Sylvain, U.S. Patent No. 6,118,777

b. RFC 791 Internet Protocol, September 1981

c. RFC 793 Transmission Control Protocol, September 1981

d. JP H08-107417

- e. Raleigh, U.S. Patent No. 6,463,096
- f. Bauman, U.S. Patent No. 6,046,979
- g. Craddock, U.S. Patent No. 6,005,851
- h. Yin, U.S. Patent No. 5,926,458
- i. the Packet Shaper system, which was in public use and offered for sale in the United States Prior to the invention date of the '450 patent and described in printed publications made publicly available prior to the invention date of the '450 patent.
- j. Riddle, U.S. Patent No. 6,412,000
- k. Riddle, U.S. Provisional Patent Application No. 60/066,864
- l. Packer, U.S. Patent Application No. 08/977,376.
- m. the Stelliga/Softcom system, which was in public use and offered for sale in the United States Prior to the invention date of the '450 patent and described in printed publications made publicly available prior to the invention date of the '450 patent, including Stelliga, U.S. Patent No. 6,625,650 and U.S. Provisional Patent Application No. 60/090,939 (including Softcom literature).
- n. SWAN: A Mobile Multimedia Wireless Network by Prathima Agrawal, Eoin Hyden, Paul Krzyzanowski, Partho Mishra, Mani B. Srivastava, and John A. Trotter, April 1996, IEEE Personal Communications, Page(s): 18-33.
- o. ATM Concepts, Architectures, and Protocols by Ronald J. Vetter, February 1995, Communications of the ACM, Vol. 38, No. 2.
- p. Yoshimura, U.S. Patent No. 6,125,397

21. Whether claim 8 of the '450 patent is obvious, pursuant to 35 U.S.C. § 103, to a person of ordinary skill in the art at the time of the claimed invention in view of one or more of the following references:

- a. Sylvain, U.S. Patent No. 6,118,777
- b. RFC 791 Internet Protocol, September 1981
- c. RFC 793 Transmission Control Protocol, September 1981
- d. JP H08-107417
- e. Raleigh, U.S. Patent No. 6,463,096
- f. Bauman, U.S. Patent No. 6,046,979
- g. Craddock, U.S. Patent No. 6,005,851
- h. Yin, U.S. Patent No. 5,926,458
- i. the Packet Shaper system, which was in public use and offered for sale in the United States Prior to the invention date of the '450 patent and described in printed publications made publicly available prior to the invention date of the '450 patent.
- j. Riddle, U.S. Patent No. 6,412,000
- k. Riddle, U.S. Provisional Patent Application No. 60/066,864
- l. Packer, U.S. Patent Application No. 08/977,376.
- m. the Stelliga/Softcom system, which was in public use and offered for sale in the United States Prior to the invention date of the '450 patent and described in printed publications made publicly available prior to the invention date of the '450 patent, including Stelliga, U.S. Patent No. 6,625,650 and U.S. Provisional Patent Application No. 60/090,939 (including Softcom literature).

n. SWAN: A Mobile Multimedia Wireless Network by Prathima Agrawal, Eoin Hyden, Paul Krzyzanowski, Partho Mishra, Mani B. Srivastava, and John A. Trotter, April 1996, IEEE Personal Communications, Page(s): 18-33.

o. ATM Concepts, Architectures, and Protocols by Ronald J. Vetter, February 1995, Communications of the ACM, Vol. 38, No. 2.22. Whether claim 9 of the '450 patent is obvious, pursuant to 35 U.S.C. § 103, to a person of ordinary skill in the art at the time of the claimed invention in view of one or more of the following references:

- a. Sylvain, U.S. Patent No. 6,118,777
- b. RFC 791 Internet Protocol, September 1981
- c. RFC 793 Transmission Control Protocol, September 1981
- d. JP H08-107417
- e. Raleigh, U.S. Patent No. 6,463,096
- f. Bauman, U.S. Patent No. 6,046,979
- g. Craddock, U.S. Patent No. 6,005,851
- h. Yin, U.S. Patent No. 5,926,458
- i. the Packet Shaper system, which was in public use and offered for sale in the United States Prior to the invention date of the '450 patent and described in printed publications made publicly available prior to the invention date of the '450 patent.
- j. Riddle, U.S. Patent No. 6,412,000
- k. Riddle, U.S. Provisional Patent Application No. 60/066,864
- l. Packer, U.S. Patent Application No. 08/977,376.
- m. the Stelliga/Softcom system, which was in public use and offered for sale in the United States Prior to the invention date of the '450 patent and described in printed publications

made publicly available prior to the invention date of the '450 patent, including Stelliga, U.S. Patent No. 6,625,650 and U.S. Provisional Patent Application No. 60/090,939 (including Softcom literature).

n. SWAN: A Mobile Multimedia Wireless Network by Prathima Agrawal, Eoin Hyden, Paul Krzyzanowski, Partho Mishra, Mani B. Srivastava, and John A. Trotter, April 1996, IEEE Personal Communications, Page(s): 18-33.

o. ATM Concepts, Architectures, and Protocols by Ronald J. Vetter, February 1995, Communications of the ACM, Vol. 38, No. 2.

C. Invalidity Under 35 U.S.C. § 112

1. Whether each of the following claims is invalid for failing to fulfill the written description requirement, pursuant to 35 U.S.C. § 112 ¶ 1, because the specification fails to describe the claimed invention in sufficient detail such that a person of ordinary skill in the art at the time of the claimed invention could conclude the named inventors were in possession of the claimed invention:

a. Claims 10, 14, 15, 26, 29, 30, and 41 of the '144 patent.

b. Claims 151-155, 159-165, 181-185, 189-195, 256-260 and 264-270, of the '054 patent.

c. Claims 1-8, 16-17, and 19 of the '464 patent.

2. Whether each of the following claims is invalid for failing to fulfill the enablement requirement, pursuant to 35 U.S.C. § 112 ¶ 1, because the specification fails to describe the claimed invention in sufficient detail such that a person of ordinary skill in the art at the time of the claimed invention could practice the claimed invention:

a. Claims 10, 14, 15, 26, 29, 30, and 41 of the '144 patent.

b. Claims 151-155, 159-165, 181-185, 189-195, 256-260 and 264-270 of the '054 patent.

c. Claims 1-8, 16-17, and 19 of the '464 patent.

3. Whether each of the following claims is invalid as indefinite, pursuant to 35 U.S.C. § 112 ¶ 2, such that a person of ordinary skill in the art at the time of the claimed invention would not understand what is claimed and what is not claimed in view of the specification:

a. Claims 10, 14, 15, and 41 of the '144 patent;

b. Claim 1 of the '953 patent; and

c. Claims 1-3, 5, and 8-9 of the '450 patent.

D. Priority Date of Asserted Patents

1. Whether Plaintiff can prove that any asserted claim of the '054 patent is entitled to a priority date other than February 13, 2002.

2. Whether Plaintiff can prove that any asserted claim of the '464 patent is entitled to a priority date other than May 21, 2002.

3. Whether Plaintiff can prove that any asserted claim of the '450 patent is entitled to a priority date other than July 9, 1999.

4. Whether Plaintiff can prove that any asserted claim of the '144 patent is entitled to a priority date other than November 13, 1997.

5. Whether Plaintiff can prove that any asserted claim of the '953 patent is entitled to a priority date other than May 26, 1998.

6. Whether Plaintiff can prove that any asserted claim of the '462 patent is entitled to a priority date other than April 7, 1999.

E. Other Issues Related to Invalidity.

1. Whether the LIX manual is prior art to the '144 patent.
2. Whether Grube, U.S. Patent No. 6,026,366 is prior art to the '054 patent.
3. Whether the CompuServe system is prior art to the '054 patent and/or the '464 patent.
4. Whether Joel Diamond, "Giving CompuServe a Chance," Network World, May 15, 1995, is prior art to the '054 patent and/or the '464 patent.
5. Whether the April 1, 1994 message from Gerard Versteeg to Newsgroup alt.internet.services "re: Compuserve access via Internet" is prior art to the '054 patent and/or the '464 patent.
6. Whether CompuServe Press Release: CompuServe Extends Information Superhighway with Enhanced Internet Access, March 8, 1994 is prior art to the '054 patent and/or the '464 patent.
7. Whether CompuServe Press Release: Questions & Answers Regarding CompuServe's Announcement of Internet Services, March 15, 1994 is prior art to the '054 patent and/or the '464 patent.
8. Whether Fawcett, U.S. Patent No. 6,073,214 is prior art to the '054 patent.
9. Whether Fawcett, U.S. Patent No. 6,327,617 is prior art to the '054 patent.
10. Whether Boman, U.S. Patent No. 5,654,901 is prior art to the '054 patent.
11. Whether Paul Gilster, "The Mosaic Navigator: The Essential Guide to the Internet Interface," John Wiley & Sons, Inc., 1st ed. 1995 is prior art to the '464 patent.
12. Whether Tom Lichty, "The Official American Online for Macintosh Tour Guide," Ventana Press, 2d ed. 1994 is prior art to the '464 patent.
13. Whether Raleigh, U.S. Patent No. 6,463,096 is prior art to the '450 patent.

14. Whether the Packet Shaper system is prior art to the '450 patent.
15. Whether the Stelliga / Softcom system is prior art to the '450 patent.
16. Whether Bauman, U.S. Patent No. 6,046,979 is prior art to the '450 patent.
17. Whether Yoshimura, U.S. Patent No. 6,125,397 is prior art to the '450 patent.

II. Non-Infringement

A. Direct Infringement

1. Whether Plaintiff can prove by a preponderance of the evidence any acts of direct infringement through manufacture, use, sale, offer for sale, or importation of Atrix 2, Atrix 4G, Atrix HD, Admiral, Electrify, Electrify 2, Electrify M, Photon 4G, Photon Q 4G LTE, Defy XT, XT 886, XPRT, Titanium, Triumph, Rambler, Bali, i576, Quantico, Brute i680, Brute i686, Clutch i475, i412, i886, Milestone X, Theory, or i867, literally or under the doctrine of equivalents, of one or more asserted claims 10, 14, 15, 26, 29, 30, and 41 of the '144 patent.

2. Whether Plaintiff can prove by a preponderance of the evidence any acts of direct infringement through manufacture, use, sale, offer for sale, or importation of Atrix 2, Atrix 4G, Atrix HD, Admiral, Electrify, Electrify 2, Photon 4G, Photon Q 4G LTE, Defy XT, XT 886, XPRT, Titanium, Triumph, or Milestone X, literally or under the doctrine of equivalents, of asserted claim 1 of the '953 patent.

3. Whether Plaintiff can prove by a preponderance of the evidence any acts of direct infringement through manufacture, use, sale, offer for sale, or importation of Motorola Lapdock for Atrix 4G, Motorola Lapdock 100, Motorola Lapdock 500 Pro, Atrix 4G, Photon 4G, Electrify, Photon Q 4G LTE, Atrix HD, or Atrix 2, literally or under the doctrine of equivalents, of asserted claims 1-3, 8, 10-13 of the '462 patent.

4. Whether Plaintiff can prove by a preponderance of the evidence any acts of direct infringement through use of Atrix 2, Atrix 4G, Atrix HD, Admiral, Electrify, Electrify 2, Electrify M, Photon 4G, Photon Q 4G LTE, Defy XT, XT 886, XPRT, Titanium, Triumph, Milestone X, Theory, or i867, literally or under the doctrine of equivalents, of asserted claims 151-155, 159-165, 181-185, 189-195, 256-260 and 264-270 of the '054 patent.

5. Whether Plaintiff can prove by a preponderance of the evidence any acts of direct infringement through use of Atrix 2, Atrix 4G, Atrix HD, Admiral, Electrify, Electrify 2, Electrify M, Photon 4G, Photon Q 4G LTE, Defy XT, XT 886, XPRT, Titanium, Triumph, Milestone X, Theory, or i867, literally or under the doctrine of equivalents, of asserted claims 1-8, 16-17, and 19 of the '464 patent.

6. Whether Plaintiff can prove by a preponderance of the evidence any acts of direct infringement through manufacture, use, sale, offer for sale, or importation of Admiral, Photon 4G, Photon Q 4G LTE, or XPRT, literally or under the doctrine of equivalents, of asserted claims 1-3, 5, and 8-9 of the '450 patent.

B. Inducement

1. Whether Plaintiff can prove by a preponderance of the evidence that Motorola had knowledge of any of the Asserted Patents and knew or should have known that its actions would induce actual infringements of any Asserted Claim of any Asserted Patent of which it had knowledge.

C. Contributory Infringement

1. Whether Plaintiff can prove by a preponderance of the evidence that Motorola had knowledge of any of the Asserted Patents and intended to contribute to actual infringements of any Asserted Claim of any such Asserted Patent by providing into commerce any of the Accused

Products, and whether any such Accused Product is a non-commodity article incapable of substantial non-infringing use.

D. Exhaustion

1. To the extent the issue of exhaustion is reached in the liability trial as opposed to being considered during any trial that becomes necessary on damages or willfulness, whether the LCD assemblies designed and built by Samsung and sold to Motorola Mobility for inclusion in the Atrix HD, Atrix 4G, Electrify, and Photon 4G exhausted Plaintiff's rights to assert infringement of the '953 patent against those products by virtue of the license by Plaintiff to Samsung of a portfolio of patents, including the '953 patent, dated November 11, 2010.

III. Other Issues

A. Level of Ordinary Skill in the Art at the Time of Alleged Inventions

1. Whether a person of ordinary skill in the art of the '144 patent is a person (1) with a bachelor's degree in computer science and three (3) years of experience with distributed systems; (2) an advanced degree in computer sciences; or (3) less technical education but more experience or less experience but more technical education.

2. Whether a person of ordinary skill in the art of the '953 patent is a person (1) with a Master of Science degree in electrical engineering, applied physics, or a related field, and at least a year experience in working with liquid crystal display technology or related technology, or (2) with a Bachelor's of Science degree in electrical engineering, applied physics, or a related field, and at least two years of experience in liquid crystal display technology or a related technology.

3. Whether a person of ordinary skill in the art of the '462 patent is a person (1) with a Master of Science degree in electrical engineering, applied physics, or a related field, and at least a year experience in working with portable computing and communication or related technology, or

(2) with a Bachelor's of Science degree in electrical engineering, applied physics, or a related field, and at least two years of experience with portable computing and communication or related technology.

4. Whether a person of ordinary skill in the art of the '054 patent is a person with a Bachelor's of Science degree or equivalent with one to two years of programming experience.

5. Whether a person of ordinary skill in the art of the '464 patent is a person with a Bachelor's of Science degree or equivalent with one to two years of programming experience.

6. Whether a person of ordinary skill in the art of the '450 patent is a person with a Bachelor's of Science degree in electrical or computer engineering or computer science with one to two years of professional experience in working with network protocols, including TCP/IP protocol.

EXHIBIT 4
PLAINTIFFS' STATEMENT OF ISSUES OF LAW

Plaintiffs identify the following issues of law to be litigated. Should the Court find that any issues of fact listed in Exhibit 2 of the Joint Pretrial Order should be considered as issues of law, Plaintiffs incorporate those issues in this exhibit. Should the Court find that any issues identified in this Exhibit as an issue of law should be considered as an issue of fact, Plaintiffs incorporate those issues into Exhibit 2. Plaintiffs also incorporate Exhibit 11 (Plaintiffs' Statement of Intended Proofs). The issues of willfulness and damages have been bifurcated. This statement, therefore, addresses only issues of law relevant to the liability phase of this action for the Asserted Claims of the Asserted Patents as defined in the Proposed Joint Pretrial Order. Plaintiffs' issues of law to be litigated may change based on the Court's decisions on claim construction, summary judgment, or other open matters. Plaintiffs reserve the right to revise this statement as needed in light of those decisions. Plaintiffs reserve their rights to present issues of law set forth in the pending motions identified in this Pretrial Order, and to appeal any issues identified in motions that have been decided by the Court.

I. ISSUES ON WHICH PLAINTIFFS BEAR THE BURDEN OF PROOF

1. Whether Plaintiffs can prove by a preponderance that Defendant infringes one or more of asserted claims 10, 14, 15, 26, 29, 30 and 41 of the '144 patent either directly – by making, using, selling, offering for sale and/or importing the following products Atrix 4G, Atrix 2, Atrix HD, Admiral, Electrify, Electrify 2, Electrify M, Photon 4G, Photon Q 4G LTE, Defy XT, XT886, XPRT, Titanium, Triumph, Rambler, Bali, i576, Quantico, Brute

i680, Brute i686, Clutch i475, i412, i886, Milestone X, Theory, i867 – or indirectly by contributing to and or inducing infringement of one or more of the asserted claims.

2. Whether Plaintiffs can prove by a preponderance that Defendant infringes asserted claim 1 of the '953 patent by making, using, selling, offering for sale and/or importing the following products Atrix 4G, Atrix 2, Atrix HD, Admiral, Electrify, Electrify 2, Photon 4G, Photon Q 4G LTE, Defy XT, XT886, XPRT, Titanium, Triumph, Milestone X.

3. Whether Plaintiffs can prove by a preponderance that Defendant infringes one or more of asserted claims 1-3, 5 and 8-9 of the '450 patent either directly – by making, using, selling, offering for sale and/or importing the following products Admiral, Photon 4G, Photon Q 4G LTE, XPRT – or indirectly by contributing to and or inducing infringement of one or more of the asserted claims.

4. Whether Plaintiffs can prove by a preponderance that Defendant infringes one or more of asserted claims 1-3, 8, 10-13 of the '462 patent either directly – by making, using, selling, offering for sale and/or importing the following products Lapdock for Atrix 4G, Lapdock 100, Lapdock 500 Pro, Atrix 4G, Photon 4G, Electrify, Photon Q 4G LTE, Atrix HD, Atrix 2 – or indirectly by contributing to and or inducing infringement of one or more of the asserted claims.

5. Whether Plaintiffs can prove by a preponderance that Defendant infringes one or more of asserted claims 151-155, 159-165, 181-185, 189-195, 256-260, 264-270 of the '054 patent either directly – by making, using, selling, offering for sale and/or importing the following products Atrix 4G, Atrix 2, Atrix HD, Admiral, Electrify, Electrify 2, Electrify M, Photon 4G, Photon Q 4G LTE, Defy XT, XT886, XPRT, Titanium, Triumph, i867 – or

indirectly by contributing to and or inducing infringement of one or more of the asserted claims.

6. Whether Plaintiffs can prove by a preponderance that Defendant infringes one or more of asserted claims 1-8, 16-17, and 19 of the '464 patent either directly – by making, using, selling, offering for sale and/or importing the following products Atrix 4G, Atrix 2, Atrix HD, Admiral, Electrify, Electrify 2, Electrify M, Photon 4G, Photon Q 4G LTE, Defy XT, XT886, XPRT, Titanium, Triumph, i867 – or indirectly by contributing to and or inducing infringement of one or more of the asserted claims.

7. Plaintiffs bear the burden of proving infringement, either direct or indirect, by a preponderance of the evidence. *SmithKline Diagnostics, Inc. v. Helena Lab. Corp.*, 859 F.2d 878, 889 (Fed. Cir. 1988).

A. Direct Infringement

8. To prove direct infringement, Plaintiffs must prove by a preponderance of the evidence that Defendant “perform[s] each and every step or element of a claimed method or product.” *BMC Res., Inc. v. Paymentech, L.P.*, 498 F.3d 1373, 1378 (Fed. Cir. 2007).

9. A determination of infringement under 35 U.S.C. § 271(a) requires a two-step analysis. Initially, the claims at issue are interpreted to define their scope. *Cybor Corp. v. FAS Techs., Inc.*, 138 F.3d 1448, 1456 (Fed. Cir. 1998) (en banc). Next, the evidence must be examined to ascertain whether the construed claim has been infringed by the accused product. *Kegel Co. v. AMF Bowling, Inc.*, 127 F.3d 1420, 1425 (Fed. Cir. 1997)

i. Literal Infringement

10. Whether Plaintiffs can prove by a preponderance of the evidence that any of the Accused Products literally infringe any of the Asserted Claims. “To establish literal infringement, all of the elements of the claim, as correctly construed, must be present in the accused system.” *Netword, LLC v. Centraal Corp.*, 242 F.3d 1347, 1353 (Fed. Cir. 2001).

ii. Doctrine of Equivalents

11. Whether Plaintiffs can prove by a preponderance of the evidence that any of the Accused Products infringe any of the Asserted Claims under the doctrine of equivalents. If a product or method does not literally contain every claim limitation, the defendant may nevertheless infringe under the doctrine of equivalents. *See Gen. Elec. Co. v. Nintendo Co, Ltd.*, 179 F.3d 1350, 1359 (Fed. Cir. 1999). “[A] product or process that does not literally infringe upon the express terms of a patent claim may nonetheless be found to infringe if there is ‘equivalence’ between the elements of the accused product or process and the claimed elements of the patented invention.” *Warner-Jenkinson Co., Inc. v. Hilton Davis Chem. Co.*, 520 U.S. 17, 21 (1997). “Infringement under the doctrine of equivalents may be found where those limitations of a claim not found exactly in the accused device are met equivalently.” *Zygo Corp. v. Wyko Corp.*, 79 F.3d 1563, 1568 (Fed. Cir. 1996).

12. Under the doctrine of equivalents, “a product or process that does not literally infringe upon the express terms of a patent may nonetheless be found to infringe if there is ‘equivalence’ between the elements of the accused product or process and the claimed elements of the patented invention.” *Warner-Jenkinson Co. v. Hilton Davis Chem. Co.*, 520 U.S. 17, 29 (1997). To prove such equivalence, Plaintiff must “show[] that the

difference between the claimed invention and the accused product [is] insubstantial.”

Stumbo v. Eastman Outdoors, Inc., 508 F.3d 1358, 1364 (Fed. Cir. 2007). “One way of doing so is by showing on a limitation by limitation basis that the accused product performs substantially the same function in substantially the same way with substantially the same result as each limitation of the patented product.” *Id.*

13. “Infringement under the doctrine of equivalents is an equitable doctrine devised for ‘situations where there is no literal infringement but [where] liability is nevertheless appropriate to prevent what is in essence a pirating of the patentee’s invention.’” *Insta-Foam Prods., Inc. v. Universal Foam Sys., Inc.*, 906 F.2d 698, 702 (Fed. Cir. 1990) (quoting *Loctite Corp. v. Ultraseal Ltd.*, 781 F.2d 861, 870 (Fed. Cir. 1985)). “An appropriate range of equivalents may extend to post-invention advances in the art in an appropriate case.” *Varco, L.P. v. Pason Systems USA Corp.*, 436 F.3d 1368 (Fed. Cir. 2006) (quoting *Am. Hosp. Supply Corp. v. Travenol Labs, Inc.*, 745 F.2d 1, 9 (Fed. Cir. 1984)). “Each element contained in a patent claim is deemed material to defining the scope of the patented invention, and thus the doctrine of equivalents must be applied to individual elements of the claim, not to the invention as a whole.” *Warner-Jenkinson*, 520 U.S. at 29. In applying the “all elements rule” to determine infringement under the doctrine of equivalents, it is appropriate to identify “the role played by each element in the context of the specific patent claim.” *Id.* at 40. This analysis “will thus inform the inquiry as to whether a substitute element matches the function, way, and result of the claimed element, or whether the substitute element plays a role substantially different from the claimed element.” *Id.*

B. Indirect Infringement

14. Whether Plaintiffs can prove by a preponderance of the evidence that any of the Accused Products indirectly infringe any of the Asserted Claims. 35 U.S.C. § 271. To establish liability for indirect infringement, either inducement of infringement or contributory infringement, Plaintiff must first prove direct infringement. *See DSU Medical Corp. v. JMS Co., Ltd.*, 471 F.3d 1293, 1303 (Fed. Cir. 2006) (“[T]he patentee always has the burden to show direct infringement for each instance of indirect infringement.”).

i. Inducement of Infringement

15. Whether Plaintiffs can prove by a preponderance of the evidence that Defendant induces infringement of one or more of the Asserted Claims. 35 U.S.C. § 271 (“Whoever actively induces infringement of a patent shall be liable as an infringer.”). Plaintiff must show that Defendant knew of the Asserted Patents and “knew or should have known [its] actions would induce actual infringements.” *DSU Med. Corp.*, 471 F.3d at 1306. A party is liable for inducement of infringement if it: (1) knew about the patent; (2) intentionally encourages acts that constitute direct infringement; (3) knew or should have known that its actions will cause direct infringement or is willfully blind to the fact; and (4) another party directly infringes the claim. *Id.*; *Global-Tech Appliances, Inc. v. SEB S.A.*, 131 S. Ct. 2060, 2070-71 (2011).

16. The knowledge requirement for inducement of infringement is fulfilled if a complaint sufficiently identifies the allegedly infringing conduct, and a defendant who receives the complaint decides to continue its conduct despite the knowledge gleaned from the complaint. *Id.*; *see also CyberFone Sys., LLC v. Cellco P’ship*, C.A. No. 11-827-SLR, 2012 WL 1509504, at *3 (D. Del. Apr. 30, 2012) (“In each instance where

indirect infringement is alleged, CyberFone states that the defendant ‘has had knowledge of the [asserted] patent at least as early as the filing of the original complaint[.]’”).

17. Evidence of active steps taken to induce infringement, such as advertising an infringing use, or instructing how to engage in an infringing use, may support a finding of an intention for the product to be used in an infringing manner. *Ricoh Co., Ltd. v. Quanta Computer Inc.*, 550 F.3d 1325, 1341 (Fed. Cir. 2008) (quoting *Metro-Goldwyn-Mayer Studios, Inc. v. Grokster, Ltd.*, 545 U.S. 913, 936 (2005)).

18. Manufacturer’s instructions, such as user guides, can evidence an intent to infringe. *MEMC Elec. Materials, Inc. v. Mitsubishi Materials Silicon Corp.*, 420 F.3d 1369, 1379 (Fed. Cir. 2005), quoting, *Metro-Goldwyn-Mayer Studios Inc. v. Grokster, Ltd.*, 545 U.S. 913, 936 (2005) (“Evidence of active steps taken to encourage direct infringement, such as ... instructing how to engage in an infringing use, show an affirmative intent that the product be used to infringe.”)(emphasis added). A defendant who “was aware of the [patent] and supplied the infringing products to ...customers with instructions on how they were to be used, which, when followed, would lead to infringement” induces infringement. *Minn. Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1305 (Fed. Cir. 2002); see also *Golden Blount, Inc. v. Robert H. Peterson Co.*, 438 F.3d 1354, 1361-62 (Fed. Cir. 2006) (instructions that teach infringing configuration, even if infringement is not a foregone conclusion, results in a finding of requisite intent to induce infringement); *Biotec Biologische Naturverpackungen GmbH & Co. v. Biocorp, Inc.*, 249 F.3d 1341, 1351 (Fed. Cir. 2001) (defendant induced infringement by providing instructions to customers on how to use a product in a manner that constituted direct infringement)

ii. Contributory Infringement

19. Whether Plaintiffs can prove by a preponderance of the evidence that Defendant contributed towards another's direct infringement of one or more of the Asserted Claims. Under 35 U.S.C. § 271(c), Defendant is liable for infringement if it "offers to sell or sells within the United States or imports into the United States ... a material or apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use." Plaintiff must prove an act of direct infringement. *DSU Med. Corp.*, 471 F.3d at 1306. In addition, Plaintiff must prove that Defendant "knew that the combination for which its components were especially made was both patented and infringing" and that there were "no substantial non-infringing uses." *Lucent Technologies, Inc. v. Gateway, Inc.*, 580 F.3d 1301, 1320 (Fed. Cir. 2009).

20. When an article has no meaningful use other than to infringe the claims of a patent, patent infringement liability cannot be avoided under the "substantial noninfringing use" exception of § 271(c). See *Golden Blount, Inc.*, 438 F.3d at 1363 (holding that showing of substantial noninfringing use requires proof that a device was "actually used" in a noninfringing way); *Hodosh v. Block Drug Co.*, 833 F.2d 1575 (Fed. Cir. 1987) (method claims infringed by use of a product containing the claimed ingredient because the ingredient had no substantial noninfringing uses in the product). "Furthermore, the 'occasional and aberrant use of these products, [even] where they are clearly designed to be used in a system specified in the claims of a patent, does not rise

to the level of “a staple article or commodity of commerce suitable for substantial non-infringing use.” *ArthroCare Corp.*, 310 F. Supp. 2d at 657 (citations and quotations omitted).

21. Hypothetical uses that are not actually used do not satisfy the “substantial noninfringing use” exception. *See Mentor*, 244 F.3d at 1379 (holding jury could reject potential uses because record did not indicate any were actually used); *Pollock v. Thunderline-Z, Inc.*, 215 F.3d 1351 (noting that merely because product may be used in some way does not establish substantial noninfringing use). Intermittent, accidental uses do not constitute a “substantial noninfringing use.” *See Mendenhall v. Astec Indus., Inc.*, 891 F.2d 299, 1989 WL 136774 at *1 (Fed. Cir. 1999) (“The operation of [defendant’s device] under conditions which do not trigger the [patented] feature does not constitute substantial noninfringing use. That a patented method includes steps that are ... performed only occasionally when certain conditions arise, does not preclude a finding that the sale of an apparatus that includes this feature infringes the method patent under section 271(c).”).

22. A contributory infringer cannot escape liability merely by bundling a component that has no substantial noninfringing use with some separate additional feature. *See Ricoh*, 550 F.3d at 1337-38 (citing *Metro-Goldwyn-Mayer Studios Inc.*, 545 U.S. at 919-24).

II. ISSUES ON WHICH DEFENDANT BEARS THE BURDEN OF PROOF

A. Invalidity

23. Whether certain of the Asserted Claims is invalid. All patents are presumed valid. *Novo Nordisk A/S v. Caraco Pharm. Labs., Ltd.*, 719 F.3d 1346, 1352 (Fed. Cir. 2013) (“It is black-letter law that a patent is presumed valid.”). 35 U.S.C. § 282 states:

A patent shall be presumed valid. Each claim of a patent (whether in independent, dependent or multiple dependent form) shall be presumed valid independently of the validity of other claims; dependent or multiple dependent claims shall be presumed valid even though dependent upon an invalid claim . . . The burden of establishing invalidity of a patent or any claim thereof shall rest on the party asserting such invalidity.

24. A patent claim is invalid if the claimed invention is anticipated by or obvious in view of the relevant prior art. *See* 35 U.S.C. § 282; *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 427 (2007).

25. Defendant bears the burden of proving invalidity by clear and convincing evidence. *Microsoft Corp. v. i4i Ltd. Partnership*, 131 S.Ct. 2238, 2242 (2011).

26. Defendant bears the burden of persuasion throughout the entirety of the litigation. *Novo Nordisk A/S*, 719 F.3d at 1352 (“[B]ecause the presumption of validity remains intact throughout the litigation, the burden of persuasion never shifts to the patentee.”) (internal citation and quotation omitted).

i. Anticipation

27. Defendant must prove by clear and convincing evidence whether one or more of the Asserted Claims is anticipated by prior art and therefore invalid under 35 U.S.C. § 102. A patent claim is invalid as anticipated under 35 U.S.C. § 102 if “within the four corners of a single, prior art document every element of the claimed invention [is described], either expressly or inherently, such that a person of ordinary skill in the art could practice the invention without undue experimentation.” *Callaway Golf Co. v.*

Acushnet Co., 576 F.3d 1331, 1346 (Fed. Cir. 2009) (quoting *Advanced Display Sys. Inc. v. Kent State Univ.*, 212 F.3d 1272, 1282 (Fed. Cir. 2000)).

28. There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention.” *Scripps Clinic & Research Found. v. Genentech, Inc.*, 927 F.2d 1565, 1576 (Fed. Cir. 1991), *overruled on other grounds by*, *Abbott Labs. v. Sandoz, Inc.*, 566 F.3d 1282 (Fed. Cir. 2009) (en banc).

29. Although a prior art reference may anticipate without explicitly disclosing a feature of the claimed invention, if that missing characteristic is inherently present in the single anticipating reference, that inherent limitation must be one that is “necessarily present” and not one that may be established by “probabilities or possibilities.” *See Continental Can Co. USA v. Monsanto Co.*, 948 F.2d 1264, 1268-69 (Fed. Cir. 1991). To establish inherency, extrinsic evidence “must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.” *Id.* at 1268. That is, “[t]he mere fact that a certain thing *may* result from a given set of circumstances is not sufficient.” *Id.* at 1269 (emphasis in original) (citations omitted).

30. A prior art reference must be enabled to one of skill in the art if it is to anticipate. *Elan Pharm., Inc. v. Mayo Found. for Med. Educ. & Research*, 346 F.3d 1051, 1054 (Fed. Cir. 2003). (“To serve as an anticipating reference, the reference must enable that which it is asserted to anticipate.”).

ii. *Obviousness*

31. Defendant must prove by clear and convincing evidence whether one or more of the Asserted Claims is invalid as obvious based on the combination of one or more references with another reference and/or knowledge of one of ordinary skill in the art under 35 U.S.C. § 103. A patent claim is invalid as obvious under 35 U.S.C. § 103 “if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” 35 U.S.C. § 103(a); *see also KSR*, 550 U.S. at 406-407.

32. While an “expansive and flexible approach” should be used in evaluating obviousness, there must be some evidence of a reason to combine the references. *KSR*, 550 U.S. at 415, 419. A “patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.” *KSR*, 550 U.S. at 418. “Inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known.” *Id.* at 418-19.

33. The question of obviousness is a legal determination based on underlying facts, and the “ultimate judgment of obviousness is a legal determination.” *KSR*, 550 U.S. at 426-27, citing *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966). The underlying facts include: (1) the scope and content of the prior art; (2) the level of ordinary skill in the art; (3) the differences between the claimed invention and the prior art; and (4) any objective indicators of non-obviousness, more commonly termed secondary considerations. *See Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966).

34. A patent claim is invalid as obvious under 35 U.S.C. § 103 if the differences between the claim and the prior art are such that the claimed subject matter as a whole would have been obvious to a person of ordinary skill in the art at the time the invention was made. *See Union Carbide Plastics & Tech. Corp. v. Shell Oil Co.*, 308 F.3d 1167, 1187 (Fed. Cir. 2002).

35. Obviousness may be shown based on a combination of references, or based on a single reference even if the reference does not teach the particular claimed combination. *See, e.g., Boston Scientific Scimed, Inc. v. Cordis Corp.*, 554 F.3d 982, 989-990 (Fed. Cir. 2009) (reversing district court, finding asserted claim obvious based on single reference).

36. Secondary considerations or objective indicia of nonobviousness should be considered to guard against hindsight bias. Such factors include: (i) copying; (ii) long felt but unresolved need; (iii) failure of others to develop the invention; (iv) licenses showing industry respect for the invention; (v) commercial success; (vi) unexpected results created by the claimed invention; (vii) whether the claimed invention was praised by others in the field; and (viii) skepticism of skilled artisans before the invention. *Power Integrations, Inc. v. Fairchild Semiconductor Int'l, Inc.*, 711 F.3d 1348, 1368 (Fed. Cir. 2013); *Cross Medical Prods.*, 424 F.3d 1293, 1322-23 (Fed. Cir. 2005); *Ormco Corp. v. Align Tech., Inc.*, 463 F.3d 1299, 1311 (Fed. Cir. 2006). This list is not exhaustive, however, and may also include additional factors related to obviousness or nonobviousness. *See Graham v. John Deere Co.*, 383 U.S. 1, 17- 18 (1966).

iii. Authentication and Publication

37. Whether Defendant has met its burden under the Federal Rules of Evidence to show that the documents it intends to assert as prior art, are authentic, are not inadmissible hearsay, and were publicly available before the relevant patent priority dates to qualify as prior art under 35 U.S.C. § 102. Fed. R. Evid. 901 and 803; 35 U.S.C. § 102. To establish that a document is prior art, it is Defendant's burden to present sufficient evidence to establish that the document was publicly known or published by "a satisfactory showing that such document has been disseminated or otherwise made available to the extent that persons interested and ordinarily skilled in the subject matter or art exercising reasonable diligence, can locate it." *Kyocera Wireless Corp. v. ITC*, 545 F.3d 1340, 1350 (Fed. Cir. 2008).

*iv. Lack of Written Description and Enablement*¹

38. Defendant must prove by clear and convincing evidence whether the specification of each of the Asserted Patents provides a written description of the manner and process of making and using the claimed invention of the Asserted Claims, in such "full, clear, concise, and exact terms as to enable any person skilled in the art ... to make and use the [claimed invention]," without undue experimentation, and whether the written description conveys to one of ordinary skill in the art that the named inventor/s were in possession of the claimed invention. 35 U.S.C. § 112.

39. Whether one or more Asserted Claims is invalid as indefinite, pursuant to 35 U.S.C. § 112, such that a person of ordinary skill in the art at the time of the invention

¹ There are no legal issues as to indefiniteness as Motorola waived any such arguments by failing to properly and timely raise them in its claim construction briefing or its summary judgment briefing. *Praxair, Inc. v. ATMI, Inc.*, 543 F.3d 1306, 1319 (Fed. Cir. 2008) ("Indefiniteness is a matter of claim construction....").

would not understand what is claimed and what is not claimed in view of the specification.

v. Priority

40. Whether Plaintiffs have shown that the asserted claims of the patents-in-suit are entitled to priority dates and dates of invention that are earlier than the filing date of the application that matured into the asserted claims.

41. Whether any of Defendant's purported prior art predates the relevant date of invention and whether there is sufficient evidence to conclude that the purported prior art at issue is entitled to the date asserted by Defendant

42. Whether any of Defendant's purported prior art patents predate the relevant date of invention and whether there is sufficient evidence to conclude that the purported prior art patent at issue is entitled to the date asserted by Defendant. An abandoned patent application is not prior art. Under some circumstances a patent may serve as prior art as of its earliest effective filing date, even if the application to which the later issued patent claimed priority is abandoned. *In re Wertheim*, 646 F.2d 527, 533-34 (C.C.P.A. 1981) (Rich J. writing for majority). To be considered as prior art, a continuation-in-part patent is only entitled to its parent's filing date if (1) the subject matter relied upon as allegedly anticipatory of another reference is carried over from the parent, *In re Klesper*, 397 F.2d 882, 885 (CCPA 1968); and (2) if the claims of the continuation-in-part patent are fully supported under section 112 by the parent specification. *In re Wertheim*, 646 F.2d 527, 539 (CCPA 1981). That level of disclosure references 35 U.S.C. Sec. 112, which the Patent Office reviews in reviewing the later, issuing application for patentability.

III. EXCEPTIONAL CASE

43. Whether this is an exceptional case warranting awarding Plaintiffs their costs, attorney's fees and expenses under 35 U.S.C. § 285 or the Court's equitable power.

EXHIBIT 5
DEFENDANT'S STATEMENT OF ISSUES OF LAW

Motorola Mobility identifies the following issues of law to be litigated. Should the Court find that any issues of fact listed in Exhibit 3 of the Joint Pretrial Order should be considered as issues of law, Motorola Mobility incorporates those issues in this exhibit. Should the Court find that any issues identified in this exhibit as an issue of law should be considered as an issue of fact, Motorola Mobility incorporates those issues into Exhibit 3. Motorola Mobility also incorporates Defendant's Statement of Intended Proofs, attached hereto. The issues of willfulness and damages have been bifurcated; this statement therefore addresses only issues of law relevant to the liability phase of this action for the Asserted Claims of the Asserted Patents. Motorola Mobility reserves the right to revise this statement as necessary to address bifurcated issues. Motorola Mobility's issues of law to be litigated may change based on the Court's decisions on claim construction, summary judgment, *Daubert* motions, or other open matters. Motorola Mobility reserves the right to revise this statement as needed in light of those decisions. To the extent the Court adopts certain of Motorola Mobility's proposed claim constructions or grants certain summary judgment motions, Motorola Mobility contends that no issues remain to be litigated as to certain of the Asserted Patents and Asserted Claims. Motorola Mobility reserves its rights to present issues of law set forth in the pending motions identified in this Pretrial Order, and to appeal any issues identified in motions that have been decided by the Court.

I. ISSUES ON WHICH PLAINTIFF BEARS THE BURDEN OF PROOF

1. Whether Plaintiff can prove by a preponderance of the evidence that the Accused Products, as set forth in Section XII of the Joint Proposed Pretrial Order, infringe one or more of the Asserted Claims, as set forth in Section I ¶4 of the Joint Proposed Pretrial order, of the '144 patent.

2. Whether Plaintiff can prove by a preponderance of the evidence that the Accused Products, as set forth in Section XII of the Joint Proposed Pretrial Order, infringe one or more of the Asserted Claims, as set forth in Section I ¶4 of the Joint Proposed Pretrial order, of the '054 patent.

3. Whether Plaintiff can prove by a preponderance of the evidence that the Accused Products, as set forth in Section XII of the Joint Proposed Pretrial Order, infringe one or more of the Asserted Claims, as set forth in Section I ¶4 of the Joint Proposed Pretrial order, of the '464 patent.

4. Whether Plaintiff can prove by a preponderance of the evidence that the Accused Products, as set forth in Section XII of the Joint Proposed Pretrial Order, infringe one or more of the Asserted Claims, as set forth in Section I ¶4 of the Joint Proposed Pretrial order, of the '953 patent.

5. Whether Plaintiff can prove by a preponderance of the evidence that the Accused Products, as set forth in Section XII of the Joint Proposed Pretrial Order, infringe one or more of the Asserted Claims, as set forth in Section I ¶4 of the Joint Proposed Pretrial order, of the '450 patent.

6. Whether Plaintiff can prove by a preponderance of the evidence that the Accused Products, as set forth in Section XII of the Joint Proposed Pretrial Order, infringe one or more of

the Asserted Claims, as set forth in Section I ¶4 of the Joint Proposed Pretrial order, of the '462 patent.

7. Plaintiff bears the burden of proving infringement, either direct or indirect, by a preponderance of the evidence. *SmithKline Diagnostics, Inc. v. Helena Lab. Corp.*, 859 F.2d 878, 889 (Fed. Cir. 1988).

B. Direct Infringement

8. Whether Plaintiff can prove by a preponderance of the evidence that any of the Accused Products directly infringe any of the Asserted Claims.

9. To prove direct infringement, Plaintiff must prove by a preponderance of the evidence that Motorola Mobility or another entity “perform[s] each and every step or element of a claimed method or product.” *BMC Res., Inc. v. Paymentech, L.P.*, 498 F.3d 1373, 1378 (Fed. Cir. 2007), overruled on other grounds by *Akamai Techs., Inc. v. Limelight Networks, Inc.*, 692 F.3d 1301 (Fed. Cir. 2012). Plaintiff must show “without exception, [that the] accused product[s] contains each limitation or its equivalent.” *Athletic Alternatives, Inc. v. Prince Mfg., Inc.*, 73 F.3d 1573, 1582 (Fed. Cir. 1996).

10. If an Accused Product does not infringe an independent claim, it cannot, as a matter of law, infringe any claim depending from that independent claim. *See Wahpeton Canvas Co., Inc. v. Frontier, Inc.*, 870 F.2d 1546, 1553 (Fed. Cir. 1989).

2. Literal Infringement

11. Whether Plaintiff can prove by a preponderance of the evidence that any of the Accused Products literally infringe any of the Asserted Claims. “To establish literal infringement, all of the elements of the claim, as correctly construed, must be present in the accused system.” *Network, LLC v. Centraal Corp.*, 242 F.3d 1347, 1353 (Fed. Cir. 2001). The properly construed

claim must read on the accused device exactly. *Cortland Line Co. v. Orvis Co.*, 203 F.3d 1351, 1358 (Fed. Cir. 2000). The absence of even one claim element of an Asserted Claim precludes literal infringement of that claim. *See Kahn v. GMC*, 135 F.3d 1472, 1477 (Fed. Cir. 1998).

3. Doctrine of Equivalents

12. Whether Plaintiff can prove by a preponderance of the evidence that any of the Accused Products infringe any of the Asserted Claims under the doctrine of equivalents. If a product or method does not literally contain every claim limitation, the patentee bears the burden of proving infringement under the doctrine of equivalents. *See Gen. Elec. Co. v. Nintendo Co, Ltd.*, 179 F.3d 1350, 1359 (Fed. Cir. 1999).

13. Under the doctrine of equivalents, “a product or process that does not literally infringe upon the express terms of a patent may nonetheless be found to infringe if there is ‘equivalence’ between the elements of the accused product or process and the claimed elements of the patented invention.” *Warner-Jenkinson Co. v. Hilton Davis Chem. Co.*, 520 U.S. 17, 29 (1997). To prove infringement under the doctrine of equivalents, Plaintiff must prove by a preponderance of the evidence that “the accused device contains an equivalent for each limitation not literally satisfied.” *Catalina Marketing Int’l, Inc. v. Coolsavings.com, Inc.*, 289 F.3d 801, 812 (Fed. Cir. 2002). To prove such equivalence, Plaintiff must “show[] that the difference between the claimed invention and the accused product [is] insubstantial.” *Stumbo v. Eastman Outdoors, Inc.*, 508 F.3d 1358, 1364 (Fed. Cir. 2007). “One way of doing so is by showing on a limitation by limitation basis that the accused product performs substantially the same function in substantially the same way with substantially the same result as each limitation of the patented product.” *Id.*

14. To meet its burden, Plaintiff must provide “particularized testimony and linking argument[s] as to the insubstantiality of differences between the claimed invention and the accused

device or process” and must present such testimony and linking arguments “on a limitation-by-limitation basis,” *Am. Calcar, Inc. v. Am. Honda Motor Co., Inc.*, 651 F.3d 1318, 1338-39 (Fed. Cir. 2011) (internal citations and quotations omitted).

15. Reliance on the doctrine of equivalents may be foreclosed by prosecution history estoppel. *Warner-Jenkinson*, 520 U.S. at 30. A patent applicant presumptively surrenders coverage of all equivalents to a claim element when the patentee narrows the claim for a reason related to patentability. *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 344 F.3d 1359, 1366 (Fed. Cir. 2003); *see also Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 535 U.S. 722, 736-37 (2002) (“A patentee who narrows a claim as a condition for obtaining a patent disavows his claim to the broader subject matter, whether the amendment was made to avoid the prior art or to comply with § 112.”).

16. The doctrine of equivalents may also be foreclosed by the “all elements rule,” which preserves the public notice function of claims by preventing the doctrine of equivalents from expanding claims effectively to eliminate a claim limitation. *See Warner-Jenkinson*, 520 U.S. at 29. Where a claim limitation is absent from an accused product or process, there can be no infringement under the doctrine of equivalents. *See, e.g., Telemac Cellular Corp. v. Topp Telecom, Inc.*, 247 F.3d 1316, 1331 (Fed. Cir. 2001); *Zodiac Pool Care, Inc. v. Hoffinger Indus., Inc.*, 206 F.3d 1408, 1416 (Fed. Cir. 2000).

17. “The disclosure-dedication rule requires an inventor who discloses specific matter to claim it, and to submit the broader claim for examination. Otherwise, that matter is dedicated to the public and may not be recaptured under the doctrine of equivalents.” *PSC Computer Prods., Inc. v. Foxconn Int’l.*, 355 F.3d 1353, 1360 (Fed. Cir. 2004). “A patentee may not write narrow claims for allowance by the PTO and subsequently attempt to broaden the claims in court by using

the doctrine of equivalents.” *Id.* at 1357 (citing *Autogiro Co. of Am. v. United States*, 384 F.2d 391 (1967) (“Courts can neither broaden nor narrow the claims to give the patentee something different than what he has set forth.”)). Thus, dedication to the public occurs where a sufficient written description of an embodiment exists in a patent application and a broad claim has not been submitted for examination. *Id.* at 1360 (“PSC was thus obliged either to claim plastic parts in addition to metal parts and to submit this broader claim for examination, or to not claim them and dedicate the use of plastic parts to the public.”).

C. Indirect Infringement

18. Whether Plaintiff can prove by a preponderance of the evidence that any of the Accused Products indirectly infringe any of the Asserted Claims. 35 U.S.C. § 271. To establish liability for indirect infringement, either inducement of infringement or contributory infringement, Plaintiff must first prove direct infringement. *See DSU Medical Corp. v. JMS Co., Ltd.*, 471 F.3d 1293, 1303 (Fed. Cir. 2006) (“[T]he patentee always has the burden to show direct infringement for each instance of indirect infringement”); *Dynacore Holdings Corp. v. U.S. Philips Corp.*, 363 F.3d 1263, 1272 (Fed. Cir. 2004) (“Indirect infringement, whether inducement to infringe or contributory infringement, can only arise in the presence of direct infringement.”). “Hypothetical instances of direct infringement are insufficient to establish vicarious liability or indirect infringement.” *ACCO Brands, Inc. v. ABA Locks Mfr. Co. Ltd.*, 501 F.3d 1307, 1313 (Fed. Cir. 2007). Plaintiff must prove that a user did or necessarily would infringe. *See, e.g., id.* at 1313-14.

Inducement of Infringement

19. Whether Plaintiff can prove by a preponderance of the evidence that Motorola Mobility induces infringement of one or more of the Asserted Claims. In addition to requiring proof of direct infringement, to prove active inducement of infringement, Plaintiff must further

show that Motorola Mobility knew of the Asserted Patents and “knew or should have known [its] actions would induce actual infringements.” *DSU Med. Corp.*, 471 F.3d at 1306. Plaintiff must show that Motorola Mobility “knowingly induced infringement and possessed specific intent to encourage another’s infringement,” and “not merely that the inducer had knowledge of the direct infringer’s activities.” *Id.* Specifically, Plaintiff must show that Motorola Mobility knew of the Asserted Patents, encouraged or instructed how to use the product in a manner that infringes the Asserted Claims, knew or should have known that its encouragement or instructions would likely result in others infringing the Asserted Patents, and that infringement actually occurred. *SRI Intern. Inc. v. Internet Sec. Systems*, 647 F. Sup. 2d. 323, 335-338 (D. Del. 2009) (granting judgment as a matter of law of no induced infringement).

Contributory Infringement

20. Whether Plaintiffs can prove by a preponderance of the evidence that Motorola Mobility is liable for contributory infringement through sales of the Accused products. Liability for contributory infringement through the sale of products used by other to infringe directly requires a finding of direct infringement, knowledge that the product was especially made or adapted for a particular use, and knowledge of the patent infringed by that use. *Hewlett-Packard Co. v. Bausch & Lomb, Inc.*, 909 F.2d 1464, 1469 n.4 (Fed. Cir. 1990); *see also Trell v. Marlee Elecs. Corp.*, 912 F.2d 1443, 1448 (Fed. Cir. 1990) (remanding for district court to determine whether accused contributory infringer had knowledge of the asserted patent). Contributory infringement requires proof that the accused infringer intended that its product be used to infringe another's patent. *See Metro-Goldwyn-Mayer Studios Inc. v. Grokster, Ltd.*, 545 U.S. 913, 932 (2005) (attaching contributory infringement to “instances in which it may be presumed from distribution of an article in commerce that the distributor intended the article to be used to infringe another’s patent, and so may justly be held liable for that infringement.”); *Ricoh Co., Ltd. v.*

Quanta Computer Inc., 550 F.3d 1325, 1338 (Fed. Cir. 2008); *Lucent Techs., Inc. v. Gateway, Inc.*, 580 F.3d 1301, 1321 (Fed. Cir. 2009). Contributory infringement exists only if the accused product is “not a staple article or commodity of commerce suitable for substantial noninfringing use . . .” 35 U.S.C. § 271(c). A non-infringing use is “substantial” when it is not “unusual, far-fetched, illusory, impractical, occasional, aberrant, or experimental.” *Vita-Mix Corp. v. Basic Holding, Inc.*, 581 F.3d 1317, 1327 (Fed. Cir. 2009).

D. Prosecution History Estoppel

21. Whether Plaintiff is barred, under the doctrine of prosecution history estoppel, from construing the Asserted Claims of the Asserted Patents in such a way as may cover any of Motorola Mobility’s products or processes by reasons of statements made to the United States Patent and Trademark Office during the prosecution of the applications that led to the issuance of the Asserted Patents.

II. ISSUES ON WHICH DEFENDANT BEARS THE BURDEN OF PROOF

A. Invalidity

22. Whether each of the Asserted Claims is invalid. A patent claim is invalid if the claimed invention is anticipated by or obvious in view of the relevant prior art. *See* 35 U.S.C. § 282; *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 427 (2007).

23. While new evidence touching on validity not considered by the Examiner may “carry more weight and go further toward sustaining [Defendant’s] unchanging burden,” *American Hoist & Derrick Co. v. Sowa & Sons, Inc.*, 725 F.2d 1350, 1360 (Fed. Cir. 1984), cited in *Microsoft Corp. v. i4i Ltd. Partnership*, 131 S.Ct. 2238, 2250 (2011), the “presumption of validity” and “heightened burden” of proving invalidity are “different expressions of the same thing—a single hurdle to be cleared.” *Chiron Corp. v. Genentech, Inc.*, 363 F.3d 1247, 1258 (Fed.

Cir. 2004) (quoting *American Hoist*, 725 F.2d at 1360); *see also Microsoft*, 131 S.Ct. at 2243 (“burden [of proving invalidity] is constant and never changes and is to convince the court of invalidity by clear evidence.”). The evidentiary standard of proof applies to questions of fact and not to questions of law. *See, e.g., Addington v. Texas*, 441 U.S. 418, 423 (1979).

24. An Examiner’s decision is not binding on a court. *See, e.g., Fromson v. Advance Offset Plate, Inc.*, 755 F.2d 1549, 1555 (Fed. Cir. 1985) (“The Examiner’s decision, on an original or reissue application, is never binding on a court.”); *Tyler Refrigeration Corp. v. Kysor Indus. Corp.*, 777 F.2d 687, 690 (Fed. Cir. 1985) (“The judge took account of the presumption of validity but this is a case in which the court could, as it did, decide differently from the PTO examiner on the basis of the evidence before the court.”); *Gen. Elec. Co. v. Hoechst Celanese Corp.*, 740 F. Supp. 305, 313 (D. Del. 1990) (“The Examiner’s determination that the GE patent is valid is evidence of the claims’ validity, but is not binding on the court.”); *see also Belden Techs. v. Superior Essex Comms.*, 802 F.Supp. 2d 555, 569 (D. Del. 2011) (“Admitting evidence about the [patent-in-suit’s] reexamination, the outcome of which is not binding on the Court, would have only served to confuse the jury and was ultimately far more prejudicial than probative.”)

25. A prior art reference is not “cumulative” of references considered by the Examiner if it discloses an element the patentee used to distinguish the prior art before the Examiner from the patentee’s claimed invention. *Belden Techs. Inc. v. Superior Essex Comms.*, 733 F. Supp. 2d 517. 544 (D. Del. 2010) (rejecting plaintiff’s argument that a prior art reference was cumulative of prior art considered by the examiner).

1. Anticipation

26. Whether one or more of the Asserted Claims is anticipated by prior art and therefore invalid under 35 U.S.C. § 102. A patent claim is invalid as anticipated under 35 U.S.C. §

102 if “within the four corners of a single, prior art document every element of the claimed invention [is described], either expressly or inherently, such that a person of ordinary skill in the art could practice the invention without undue experimentation.” *Callaway Golf Co. v. Acushnet Co.*, 576 F.3d 1331, 1346 (Fed. Cir. 2009) (quoting *Advanced Display Sys. Inc. v. Kent State Univ.*, 212 F.3d 1272, 1282 (Fed. Cir. 2000)).

27. An anticipatory prior art reference may disclose each limitation expressly or inherently. *In re Gleave*, 560 F.3d 1331, 1334-35 (Fed. Cir. 2009). A reference may “be anticipating if a person of ordinary skill in the art would understand [the reference] as disclosing [otherwise missing elements] and if such a person could have combined the [reference’s] description of the invention with his own knowledge to make the claimed invention.” *Helifix, Ltd. v. Blok-Lok, Ltd.*, 208 F.3d 1339, 1347 (Fed. Cir. 2000). “Simply put, the fact that a characteristic is a necessary feature or result of a prior-art embodiment (that is itself sufficiently described and enabled) is enough for inherent anticipation.” *Toro Co. v. Deere & Co.*, 355 F.3d 1313, 1321 (Fed. Cir. 2004). A prior art reference need not use the exact same language as a patent claim to be anticipatory – anticipation need not be “ipsissimis verbis.” *See In re Bond*, 910 F.2d 831, 832 (Fed. Cir. 1990).

28. “[A] prior art reference may anticipate without disclosing a feature of the claimed invention if that missing characteristic is necessarily present, or inherent, in the single anticipating reference.” *SmithKline Beecham Corp. v. Apotex Corp.*, 403 F.3d 1331, 1343 (Fed. Cir. 2005); *see also Schering Corp. v. Geneva Pharms., Inc.*, 339 F.3d 1373, 1379 (Fed. Cir. 2003) (“Because inherency places subject matter in the public domain as well as an express disclosure, the inherent disclosure of the entire claimed subject matter anticipates as well as inherent disclosure of a single feature of the claimed subject matter. The extent of the inherent disclosure does not limit its

anticipatory effect.”); *Continental Can Co. v. Monsanto Co.*, 948 F.2d 1264, 1268 (Fed. Cir. 1991). As such, “anticipation does not require actual performance of suggestions in a disclosure. Rather, [it] only requires that those suggestions be enabling to one of skill in the art.” *Bristol-Myers Squibb Co. v. Ben Venue Labs., Inc.*, 246 F.3d 1368, 1378-81 (Fed. Cir. 2001). Furthermore, there is no requirement that a person of ordinary skill in the art recognize that the inherent property would be present in the prior art reference, or that there be past recognition of the inherent feature. *Schering Corp.*, 339 F.3d at 1378. “Where...the result is a necessary consequence of what was deliberately intended, it is of no import that the article’s authors did not appreciate the results.” *MEHL/Biophile Int’l Corp. v. Milgraum*, 192 F.3d 1362, 1366 (Fed. Cir. 1999); *Atlas Powder Co. v. Ireco, Inc.*, 190 F.3d 1342, 1348-49 (Fed. Cir. 1999). In some cases, the inherent property corresponds to a claimed new benefit or characteristic of an invention otherwise in the prior art. In those cases, the new realization alone does not render the old invention patentable. *See Atlas Powder*, 190 F.3d at 1347; *Johnson & Johnson v. W.L. Gore & Assocs.*, 436 F.Supp. 704, 725 (D. Del. 1977) (“Recognition of the inherent properties of a material does not constitute invention.”).

29. A reference that discloses multiple options for a particular feature will anticipate a later application that uses one of the disclosed options. “The anticipation analysis asks solely whether the prior art reference discloses and enables the claimed invention, and not how the prior art characterizes that disclosure or whether alternatives are also disclosed.” *Perricone v. Medicis Pharm. Corp.*, 432 F.3d 1368, 1376 (Fed. Cir. 2005) (quoting *Hewlett Packard Co. v. Mustek Sys.*, 340 F.3d 1314, 1324 n.6 (Fed. Cir. 2003)); *see also Leggett & Platt, Inc. v. Vutek, Inc.*, 537 F.3d 1349, 1356 (Fed. Cir. 2008) (rejecting “the erroneous assumption that the disclosure of multiple examples renders one example less anticipatory”); *In re Gleave*, 560 F.3d 1331, 1336 37 (Fed. Cir.

2009) (rejecting the argument that a prior art reference cannot anticipate by listing an element in a long list of possibilities); *Application of Petering*, 301 F.2d 676, 681 (C.C.P.A. 1962) (holding that it was “immaterial that [the patent] did not expressly spell out the limited class as we have done here. It is our opinion that one skilled in this art would, on reading the [] patent, at once envisage each member of this limited class, even though this skilled person might not at once define in his mind the formal boundaries of the class as we have done here.”). Thus, when a list of options or permutations is disclosed in the prior art, anticipation does not turn on the number of elements in the list, but rather on whether the claimed subject matter is enabled by the prior art reference. *Perricone*, 432 F.3d at 1377-78.

30. Prior art that supplies a specific example contained within the range(s) given by a patent claim will invalidate that claim as anticipated. *See Titanium Metals Corp. v. Banner*, 778 F.2d 775, 782 (Fed. Cir. 1985). A single example is sufficient to invalidate the entire claim. *See Atlas Powder*, 190 F.3d at 1346. When a patent claims a limitation “in terms of ranges,” a single prior art reference that falls within each of the ranges anticipates the claim. *Id.* The example can include specific values mentioned in the prior art or it can be a point derived from a graph in the prior art. *See Titanium Metals*, 778 F.2d at 781. Once a specific example has been found that is contained within the range(s) of the patent claim, the claim will be invalidated without regard to other considerations. *See id.*

31. Material not explicitly contained in a single document may still be considered for anticipation if that material is incorporated by reference into the document. “Incorporation by reference provides a method for integrating material from various documents into a host document—a patent or printed publication in an anticipation determination—by citing such material in a manner that makes clear that the material is effectively part of the host document as if

it were explicitly contained therein.” *See Advanced Display Sys. v. Kent State*, 212 F.3d 1272, 1282 (Fed. Cir. 2000). To incorporate by reference, “the host document must identify with detailed particularity what specific material it incorporates and clearly indicate where that material is found in the various documents.” *Id.*

2. Obviousness

32. Whether one or more of the Asserted Claims is invalid as obvious based on the combination of one or more references with another reference and/or knowledge of one of ordinary skill in the art under 35 U.S.C. § 103. A patent claim is invalid as obvious under 35 U.S.C. § 103 “if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” 35 U.S.C. § 103(a); *see also KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406-407 (2007).

33. The person of ordinary skill in the art is “not an automaton,” but rather has “ordinary creativity” to fit together his knowledge with the prior art. *Id.* at 421. “If a person of ordinary skill can implement a predictable variation, § 103 likely bars patentability. For the same reason, if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill.” *Id.* at 401. While a Court must guard against hindsight bias, such concerns should not deny the Court “recourse to common sense” as part of analyzing obviousness. *Id.*

34. “[A]dmitted prior art can be relied upon for both anticipation and obviousness determinations, regardless of whether the admitted prior art would otherwise qualify as prior art under the statutory categories of 35 U.S.C. 102.” Manual of Patent Examining Procedures

(“MPEP”) § 2141.01; *and* MPEP § 2129 (“A statement by an applicant in the specification or made during prosecution identifying the work of another as ‘prior art’ is an admission which can be relied upon for both anticipation and obviousness determinations.”). *See also Tokyo Keiso Co. Ltd. v. SMC Corp.*, 307 Fed. Appx. 446, 452-53 (Fed. Cir. 2009) (holding claimed invention obvious based on combination of prior art reference and admitted prior art described in the patent).

35. An “expansive and flexible approach” should be used in evaluating obviousness. *KSR*, 550 U.S. at 415, 419. The question of obviousness is a legal determination based on underlying facts, and the “ultimate judgment of obviousness is a legal determination.” *KSR*, 550 U.S. at 426-27, citing *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966). The underlying facts include: (1) the scope and content of the prior art; (2) the level of ordinary skill in the art; (3) the differences between the claimed invention and the prior art; and (4) any objective indicators of non-obviousness, more commonly termed secondary considerations. *See Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966); *see also Tegal Corp. v. Tokyo Electron Am., Inc.*, 257 F.3d 1331, 1348 (Fed. Cir. 2001); *Ecolochem, Inc. v. S. Cal. Edison Co.*, 227 F.3d 1361, 1379 (Fed. Cir. 2000); *Ryko Mfg. Co. v. Nu Star, Inc.*, 950 F.2d 714 (Fed. Cir. 1991); *Smiths Indus. Med. Sys., Inc. v. Vital Signs, Inc.*, 183 F.3d 1347, 1353 (Fed. Cir. 1999).

36. A patent claim is invalid as obvious under 35 U.S.C. § 103 if the differences between the claim and the prior art are such that the claimed subject matter as a whole would have been obvious to a person of ordinary skill in the art at the time the invention was made. *See Union Carbide Plastics & Tech. Corp. v. Shell Oil Co.*, 308 F.3d 1167, 1187 (Fed. Cir. 2002). The hypothetical “person of ordinary skill in the art” is attributed “knowledge of all prior art in the field of the inventor’s endeavor and of prior art solutions for a common problem even if outside that field.” *In re Nilssen*, 851 F.2d 1401, 1403 (Fed. Cir. 1988).

37. Obviousness may be shown based on a combination of references, or based on a single reference even if the reference does not teach the particular claimed combination. *See, e.g., Boston Scientific Scimed, Inc. v. Cordis Corp.*, 554 F.3d 982, 989-990 (Fed. Cir. 2009) (reversing district court, finding asserted claim obvious based on single reference).

38. The Supreme Court explained in *KSR Int'l Co. v. Teleflex Inc.* that “if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill.” 550 U.S. at 417. A teaching, motivation, or suggestion to combine references may be a “helpful insight,” but it is not a requirement for demonstrating obviousness. *Id.* at 418. To teach away from a combination, a reference must expressly “criticize, discredit, or otherwise discourage the solution claimed.” *In re Fulton*, 391 F.3d 1195, 1201 (Fed. Cir. 2004). Further, “to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue,” factors to consider include “interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art.” *KSR*, 550 U.S. at 417. Although the Court must guard against hindsight bias, such concerns should not deny the Court “recourse to common sense” as part of the obviousness analysis. *Id.* at 421.

39. One way to demonstrate that patented subject matter is obvious is to show that “there existed at the time of invention a known problem for which there was an obvious solution encompassed by the patent’s claims.” *KSR*, 550 U.S. at 420. Indeed, “[a]ny need or problem known in the field of endeavor at the time of invention and addressed by the patent can provide a reason for combining the elements in the manner claimed.” *Id.* Also, “the fact that a combination

was obvious to try might show that it was obvious under § 103,” particularly where there was “a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill in the art has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense.” *Id.* at 421; *see also Muniauction, Inc. v. Thomson Corp.*, 532 F.3d 1318, 1327 (Fed. Cir. 2008).

40. Secondary considerations that relate to obviousness or nonobviousness of the subject matter of the asserted claims of the patents include (i) whether products practicing those claims were commercially successful and whether there is a nexus between the invention and any commercial success, (ii) whether there was any long felt need for the claimed invention, and whether the claimed invention satisfied that long felt need, (iii) whether the claimed invention was or was not praised by others in the field and (iv) whether the accused products were developed independently. *See Cross Medical Prods.*, 424 F.3d 1293, 1322-23 (Fed. Cir. 2005); *Ormco Corp. v. Align Tech., Inc.*, 463 F.3d 1299, 1311 (Fed. Cir. 2006). This list is not exhaustive, however, and may also include additional factors related to obviousness or nonobviousness. *See Graham v. John Deere Co.*, 383 U.S. 1, 17- 18 (1966).

41. “The patentee bears the burden of showing that a nexus exists between the claimed features of the invention and the objective evidence offered to show non-obviousness.” *WMS Gaming, Inc. v. Int’l Game Tech.*, 184 F.3d 1339, 1359 (Fed. Cir. 1999).

42. The existence of secondary considerations “does not control the obviousness determination.” *Richardson-Vicks Inc. v. Upjohn Co.*, 122 F.3d 1476, 1483 (Fed. Cir. 1997). Where there is a strong case of obviousness, it cannot be overcome by secondary considerations. *See, e.g., Leapfrog Enters., Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007);

Agrizap, Inc. v. Woodstream Corp., 520 F.3d 1337, 1344 (Fed. Cir. 2008); *Muniauction*, 532 F.3d at 1323.

43. To the extent Plaintiff is permitted to present evidence of “secondary considerations” of non-obviousness⁴, whether Plaintiff can show secondary considerations of non-obviousness to overcome the *prima facie* case of obviousness. Where there is a strong *prima facie* case of obviousness, it cannot be overcome by secondary considerations, especially where there is insufficient nexus between the claimed invention and the secondary considerations. *See, e.g., Leapfrog*, 485 F.3d at 1162; *Muniauction*, 532 F.3d at 1327-1328. The existence of secondary considerations “does not control the obviousness determination.” *Richardson-Vicks Inc. v. Upjohn Co.*, 122 F.3d 1476, 1483 (Fed. Cir. 1997).

44. To the extent Plaintiff is permitted to present evidence of “secondary considerations” of non-obviousness, whether Plaintiff can meet its burden of “showing that a nexus exists between the claimed features of the invention and the objective evidence offered to show non-obviousness.” *WMS Gaming, Inc. v. Int’l Game Tech.*, 184 F.3d 1339, 1359 (Fed. Cir. 1999). For example, to the extent Plaintiff claims “commercial success” or “licensing” of any product suggests non-obviousness, whether Plaintiff can establish a nexus between the commercial success and the claimed invention. *See Wm. Wrigley Jr. Co. v. Cadbury Adams USA LLC*, 683 F.3d 1356, 1363 (Fed. Cir. 2012) (“for commercial success to be probative evidence of nonobviousness, a nexus must be shown between the claimed invention and the evidence of commercial success;” affirming district court that no sufficient nexus was shown where party did not show success of product “directly attributable” to claimed invention.). In determining whether licensure is actual evidence of secondary considerations of non-obviousness, the license rate is indicative of whether there was actual value to the licensee in taking the license. Thus, the rate

paid is an important consideration in whether a license constitutes a secondary consideration of non-obviousness. *Transocean Offshore Deepwater Drilling, Inc. v. Maersk Drilling USA, Inc.*, 699 F.3d 1340, 1353 (Fed. Cir. 2012); *see also John E. Thropp's Sons Co. v. Seiberling*, 264 U.S. 320, 329-30 (1924) (noting that when a license has a low royalty rate, the “purchase of peace” may have been the motivation for license and thus evidence of licensing is of limited value to patentability).

45. And to the extent Plaintiff claims “copying” suggests non-obviousness of any alleged invention, whether Plaintiff can show any copying of the claimed invention/s. “[A] nexus between the copying and the novel aspects of the claimed invention must exist for evidence of copying to be given significant weight in an obviousness analysis.” *Wm. Wrigley*, 683 F.3d at 1364 (affirming district court that even where Plaintiff showed Defendant sought to copy Plaintiff’s invention, Plaintiff had no evidence suggesting that the “novel combination ... is what led [Defendant] to copy [Plaintiff’s products].”) Evidence of copying may in fact suggest that there is no nexus to the claimed invention where companies “market[] very similar products.” *Id.* Even in such situations where copying exists, therefore, “evidence of copying” may be a “measure of the extent to which parties in the [particular] market typically copy any development by their competitors, whether patented or not.” *Id.*

3. Authentication and Publication

46. To the extent Plaintiff challenges the authenticity of Defendant’s prior art references, whether Defendant’s evidence of authenticity—including testimony and the appearance, contents and distinctive characteristics of references, taken in conjunction with the circumstances—is sufficient to meet Defendant’s “slight” burden to establish authenticity by evidence “sufficient to support a finding that the item is what the proponent claims it is.” Fed. R.

Evid. 901(a); *United States v. Reilly*, 33 F.3d 1396, 1404 (3d Cir. 1994). The evidence used to authenticate a reference need not itself be admissible. Fed. R. Evid. 104(a) (in making a determination regarding preliminary questions concerning the admissibility of evidence, a court “is not bound by evidence rules, except those on privileges.”).

47. To the extent Plaintiff challenges publication of Defendant’s prior art references, whether there is sufficient evidence to conclude that each reference was publicly known or published, as those terms are used in the U.S. Patent Act, by “a satisfactory showing that such document has been disseminated or otherwise made available to the extent that persons interested and ordinarily skilled in the subject matter or art exercising reasonable diligence, can locate it.” *Kyocera Wireless Corp. v. ITC*, 545 F.3d 1340, 1350 (Fed. Cir. 2008).

4. Priority

48. Whether in response to Defendant’s evidence of invalidity, Plaintiff can present sufficient evidence that any patent claim is entitled to a priority date earlier than the filing date of the application that matured into the patent in which that claim can be found. *PowerOasis, Inc. v. T-Mobile USA, Inc.*, 522 F.3d 1299, 1305-06 (Fed. Cir. 2008).

49. Conception must be proven by evidence showing conception of each element of the claimed invention to such an extent that all that remains is to undertake the mechanics of reducing the invention to practice. The uncorroborated testimony of the inventor cannot be used to support a date of conception. “An inventor is entitled to priority based on conception only as of a date when the complete conception has been manifested or disclosed in some fashion.” *Chisum on Patents*, § 10.04[2]. “Conception requires an idea to be so “definite and permanent” that “all that remains to be accomplished ... belongs to the department of construction.” *Dawson v. Dawson*, 710 F.3d 1347, 1355 (Fed. Cir. 2013) (quoting 1 *Robinson on Patents* 532 (1890)). “Conception

exists when a definite and permanent idea of an operative invention, including every feature of the subject matter sought to be patented, is known. Conception is complete when one of ordinary skill in the art could construct the apparatus without unduly extensive research or experimentation.” *Sewall v. Walters*, 21 F.3d 411, 415 (Fed. Cir. 1994); *see also Mergenthaler v. Scudder*, 11 App. D.C. 264, 1897 WL 17698, at *8 (App. D.C. 1897). “Conception must be proven by evidence showing what the inventor has disclosed to others and what that disclosure means to one of ordinary skill in the art.” *Cordance Corp. v. Amazon.com, Inc.*, 658 F.3d 1330, 1334 (Fed. Cir. 2011) (internal quotes omitted). “Although the fundamental inquiry in conception is whether the inventor held the complete invention in his or her own mind, proof of conception requires objective evidence of what the inventor has disclosed to others, and what that disclosure would fairly suggest to one of ordinary skill in the art.” *In re Jolley*, 308 F.3d 1317, 1323 (Fed. Cir. 2002). “[C]onception by an inventor, for the purpose of establishing priority, can not be proved by his mere allegation nor by his unsupported testimony where there has been no disclosure to others or embodiment of the invention in some clearly perceptible form . . .” *Price v. Symsek*, 988 F.2d 1187, 1194-95 (Fed. Cir. 1993) (quoting *Mergenthaler*); *see also Kardulas v. Florida Mach. Prods. Co.*, 438 F.2d 1118, 1121 (5th Cir. 1971) (“The date of invention cannot be carried back to that of the earliest mental conception. There must be a disclosure sufficient to enable one with ordinary skill in the art to reduce the invention to practice.”), *Cislak v. Wagner*, 215 F.2d 275 (C.C.P.A. 1954).

49. To the extent that Plaintiffs challenge whether any of Defendant's prior art patents predate the relevant date of invention, whether there is sufficient evidence to conclude that the prior art patent at issue is entitled to the date asserted by Defendant. A prior art patent will serve as prior art as of its earliest effective filing date, even if the application to which the later issued

patent claimed priority is abandoned. *In re Wertheim*, 646 F.2d 527, 533-34 (C.C.P.A. 1981) (Rich J. writing for majority). The test for ensuring that the later issuing patent is entitled to its earliest effective application date for priority purposes is whether “the disclosure was contained in substance in the said earliest application.” *Id.* (quoting 35 U.S.C. Sec. 102(e)). That level of disclosure references 35 U.S.C. Sec. 112, which the Patent Office reviews in reviewing the later, issuing application for patentability.

5. Lack of Written Description and Enablement and Indefiniteness

50. Whether the specification of each of the Asserted Patents provides a written description of the manner and process of making and using the claimed invention of the Asserted Claims, in such “full, clear, concise, and exact terms as to enable any person skilled in the art ... to make and use the [claimed invention],” without undue experimentation, and whether the written description conveys to one of ordinary skill in the art that the named inventor/s were in possession of the claimed invention. 35 U.S.C. § 112. A patent fails the statutory written description requirement when the specification does not disclose what the claims are construed to cover. *Atl. Research Mktg. Sys., Inc. v. Troy*, 659 F.3d 1345, 1352-55 (Fed. Cir. 2011). “[T]he hallmark of written description is disclosure.” *Ariad Pharms., Inc. v. Eli Lilly & Co.*, 598 F.3d 1336, 1351 (Fed. Cir. 2010) (en banc). “[T]he written description requirement ensure[s] that the scope of the right to exclude, as set forth in the claims, does not overreach the scope of the inventor’s contribution . . . as described in the patent” *In re Katz Interactive Call Processing Patent Litig.*, 639 F.3d 1303, 1319 (Fed. Cir. 2011) (internal quotation marks omitted).

51. Whether the specification of each of the Asserted Patents sufficiently enables one of skill in the art to practice the full scope of each of the asserted claims. “This important doctrine prevents both inadequate disclosure of an invention and overbroad claiming that might otherwise

attempt to cover more than was actually invented. Thus, a patentee chooses broad claim language at the peril of losing any claim that cannot be enabled across its full scope of coverage.” *MagSil Corp. v. Hitachi Global Storage Techs., Inc.*, 687 F.3d 1377, 1380-81 (Fed. Cir. 2012). The Federal Circuit has held various factors are relevant to whether a patent sufficiently enables one of skill in the art to practice the full scope including, for example, “the amount of direction or guidance presented,” “the presence or absence of working examples,” “the state of the prior art,” and “the breadth of the claims.” *Martek Biosciences Corp. v. Nutrinova, Inc.*, 579 F.3d 1363, 1378 (Fed. Cir. 2009) (quoting *In re Wands*, 858 F.2d 731, 737 (Fed. Cir. 1988)). Where the specification teaches away from what is sought to be claimed, claims are invalid for lack of enablement. *See Liebel-Flarsheim Co. v. Medrad, Inc.*, 481 F.3d 1371, 1380 (Fed. Cir. 2007).

52. Whether one or more Asserted Claims is invalid as indefinite, pursuant to 35 U.S.C. § 112, such that a person of ordinary skill in the art at the time of the invention would not understand what is claimed and what is not claimed in view of the specification. *Phillips*, 415 F.3d at 1313. Indefiniteness arises when one skilled in the art cannot determine whether a given product is within, or outside, the scope of the claims. *See Morton Int’l v. Cardinal Chem. Co.*, 5 F.3d 1464, 1470 (Fed. Cir. 1993); *see also Honeywell Int’l, Inc. v. Int’l Trade Comm’n*, 341 F.3d 1332, 1341 (Fed. Cir. 2003). The Federal Circuit has made clear that, the issue of indefiniteness “is amenable to resolution by the jury where the issues are factual in nature.” *BJ Services Co. v. Halliburton Energy Services, Inc.*, 338 F.3d 1368, 1371-72 (Fed. Cir. 2003).

III. EXPERT TESTIMONY

53. Under Federal Rule of Evidence 702, an expert is permitted to provide opinion testimony that “will help the trier of fact to understand the evidence or to determine a fact in issue” only when “(1) the testimony is based upon sufficient facts or data, (2) the testimony is the product

of reliable principles and methods, and (3) the witness has applied the principles and methods reliably to the facts of the case.” The court acts as “gatekeeper” to ensure that testimony does not reach the jury when it “is irrelevant or does not result from the application of reliable methodologies or theories to the facts of the case.” *Micro Chem., Inc. v. Lextron, Inc.*, 317 F.3d 1387, 1391 (Fed. Cir. 2003). The court “ensure[s] that any and all scientific testimony or evidence admitted is not only relevant, but reliable.” *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579, 589 (1993); *accord Kumho Tire Co. v. Carmichael*, 526 U.S. 137, 147 (1999).

54. A court also ensures that an expert’s testimony has “a reliable basis in the knowledge and experience of [the expert’s] discipline.” *Daubert*, 509 U.S. at 589, 592. The party offering the expert testimony has the burden of proving admissibility. *Id.*

55. In addition, the conclusions drawn by the expert from the application of a reliable method must have a sufficiently strong analytical connection to the facts of the case to be admissible. *See General Elec. Co. v. Joiner*, 522 U.S. 136, 146 (1997). “Trained experts commonly extrapolate from existing data. But nothing in either *Daubert* or the Federal Rules of Evidence requires a district court to admit opinion evidence that is connected to existing data only by the *ipse dixit* of the expert.” *Id.*

56. An expert report must contain “a complete statement of all opinions the witness will express and the basis and reasons for them.” Fed. R. Civ. P. 26(a)(2)(B)(i). An expert’s trial testimony is limited to information and opinions disclosed in his or her expert reports. *See Honeywell Int’l., Inc. v. Universal Avionics Systems Corp.*, 289 F.Supp.2d 493, 499-500 (D. Del. 2003) (“the testimony of expert witnesses is limited to the information contained in their expert reports. Therefore, since Hansman’s testimony on the doctrine of equivalents would not be allowed at trial, it will not be relied upon by the court in deciding defendants’ motions for

summary judgment on non-infringement.”); *see also Arthrocare Corp. v. Smith & Nephew, Inc.*, 2003 WL 1905636, at *1 (D. Del. April 14, 2003) (granting Defendant’s motion in limine to exclude certain expert testimony of Plaintiff because “experts are limited by their reports”).

IV. COUNTERCLAIMS

57. Whether based on Plaintiff’s failure to show infringement of one or more of the Asserted Claims, Defendant should be granted declaratory judgment of noninfringement.

58. Whether based on clear and convincing evidence of invalidity of the Asserted Claims, Defendant should be granted declaratory judgment of invalidity of the Asserted Claims of the Asserted Patents.

V. EXCEPTIONAL CASE

59. Whether this is an exceptional case warranting awarding Defendant its costs, attorney’s fees and expenses under 35 U.S.C. § 285 or the Court’s equitable power.

VI. EXHAUSTION

60. To the extent the issue of exhaustion is reached in the liability trial as opposed to being considered during any trial that becomes necessary on damages or willfulness, Motorola provides a statement of law on this issue. As the Supreme Court has recognized for over one hundred and fifty years, “[t]he longstanding doctrine of patent exhaustion provides that the initial authorized sale of a patented item terminates all patent rights to that item.” *Quanta Computer, Inc. v LG Elecs., Inc.*, 128 S. Ct. 2109, 2115 (2008). In applying the *Quanta* precedent, the Federal Circuit has held that “[t]he proper focus [of the analysis] is on whether the sales were authorized.” *Tessera, Inc. v. Int’l Trade Comm’n*, 646 F.3d 1357, 1370 (Fed. Cir. 2011), *cert. denied*, 132 S. Ct. 2707 (2012). Thus, a patentee cannot attempt to recover a second time when it authorized the sale of the patented product a first time. The exhaustion inquiry also requires that the authorized sale be

of a product or service that “sufficiently embodies the patent – even if it does not completely practice the patent” *Quanta*, 128 S. Ct. at 2117. Applying prior Supreme Court precedent, the *Quanta* Court noted that “because the[] only reasonable and intended use was to practice the patent and because ‘they embodied the essential features of [the] patented invention’” an authorized sale exhausts downstream patent rights. *Id.* at 2119. In *Quanta*, plaintiff LGE previously granted Intel a license to the patents that LGE was then asserting against Quanta. 128 S. Ct. at 2114. Quanta purchased microprocessors for the allegedly infringing products from Intel. *Id.* The license agreement between LGE and Intel specified that no license was granted for the combination of licensed products with items acquired from a non-party to the agreement. *Id.* LGE, therefore, based its infringement allegation on the fact that Intel’s customers were not granted a license and the combination was not licensed. *Id.* Despite this language, the Supreme Court found Intel’s licensed sale to Quanta extinguished LGE’s patent rights. *Id.* at 2121. The Supreme Court rejected LGE’s argument stating “LGE overlooks important aspects of the structure of the Intel-LGE transaction. Nothing in the License Agreement restricts Intel’s right to sell its microprocessors and chipsets to purchasers who intend to combine them with non-Intel parts.” *Id.* Similar facts existed in the *Tessera* case. 646 F.3d at 1369. In that case, Tessera licensed the asserted patents. The terms of the license agreement provided, “Subject to the terms and conditions [of this agreement], Tessera hereby grants Licensee a . . . license to the Tessera Patents . . . and to sell . . . and/or offer for sale such TCC Licensed Products.” *Id.* at 1362 (alteration added and ellipsis in original). The license agreements at issue also stated that “Licensee is licensed only to Licensed Products for which Licensee or a third party has satisfied a royalty obligation.” *Id.* at 1363. Tessera argued, as did LGE, that the exclusion from the license language limits the rights of the third party who purchased licensed products. *Id.* at 1370 (“Tessera spends considerable time arguing about the

effect of the ‘Exclusion for License’ provision in the TCC Licenses”). The Federal Circuit stated “[t]hese arguments add unnecessary complexity to a rather straight forward analysis. *The proper focus is on whether the sales were authorized.*” *Id.* (emphasis added).

EXHIBIT 6
JOINT LIST OF EXHIBITS

[illegible]

EXHIBIT 7
PLAINTIFFS' LIST OF EXHIBITS IT MAY OFFER AT TRIAL

	<i>Intellectual Ventures v. Motorola</i> <i>U.S. District Court for the District of Delaware</i> <i>Case No. 11-cv-908-SLR-MPT</i>			
	<i>IV's Exhibit List</i>			
<i>Ex. No.</i>	<i>Description</i>	<i>BegBates</i>	<i>EndBates</i>	<i>Objections</i>
1	Motorola Admiral - Device (PPX-0100)	IV-MMI-0098958	IV-MMI-0098959	
2	Motorola Admiral - Box (PPX-0101)	IV-MMI-0098960	IV-MMI-0098965	
3	Motorola Admiral - Get Started User's Guide (PPX-0102)	IV-MMI-0098966	IV-MMI-0099013	
4	Motorola Admiral - Device (PPX-0103)	IV-MMI-0099014	IV-MMI-0099015	
5	Motorola Admiral - Box (PPX-0104)	IV-MMI-0099016	IV-MMI-0099020	
6	Motorola Admiral - User Guide (Sprint) (PPX-0105)	IV-MMI-0099021	IV-MMI-0099068	
7	Motorola Q 4G LTE - Device (PPX-0106)	IV-MMI-0099069	IV-MMI-0099070	
8	Motorola Q 4G LTE - Box (PPX-0107)	IV-MMI-0099071	IV-MMI-0099075	
9	Motorola Photon Q 4G LTE - User Guide (PPX-0108)	IV-MMI-0099076	IV-MMI-0099123	
10	Motorola Q 4G LTE - Device (PPX-0109)	IV-MMI-0099124	IV-MMI-0099125	
11	Motorola Q 4G LTE - Box (PPX-0110)	IV-MMI-0099126	IV-MMI-0099131	
12	Motorola Q 4G LTE - User Guide (PPX-0111)	IV-MMI-0099132	IV-MMI-0099179	
13	Motorola Atrix HD - Device (PPX-0112)	IV-MMI-0099180	IV-MMI-0099181	
14	Motorola Atrix HD - Box (PPX-0113)	IV-MMI-0099182	IV-MMI-0099189	
15	Motorola Atrix HD - Quick Start Guide (PPX-0114)	IV-MMI-0099190	IV-MMI-0099199	
16	Motorola Atrix HD - Device (PPX-0115)	IV-MMI-0099200	IV-MMI-0099201	
17	Motorola Atrix HD - Box (PPX-0116)	IV-MMI-0099202	IV-MMI-0099209	
18	Motorola Atrix HD - Quick Start Guide (PPX-0117)	IV-MMI-0099210	IV-MMI-0099219	
19	Motorola Electrify 2 - Device (PPX-0118)	IV-MMI-0099220	IV-MMI-0099221	
20	Motorola Electrify 2 - Box (PPX-0119)	IV-MMI-0099222	IV-MMI-0099227	
21	Motorola Electrify 2 - User's Manual (PPX-0120)	IV-MMI-0099228	IV-MMI-0099241	
22	Motorola Defy XT - Device (PPX-0121)	IV-MMI-0099242	IV-MMI-0099243	
23	Motorola Defy XT - Box (PPX-0122)	IV-MMI-0099244	IV-MMI-0099248	
24	Motorola Defy XT - Services Guide (PPX-0123)	IV-MMI-0100925	IV-MMI-0100976	
25	Motorola i867 - Device (PPX-0124)	IV-MMI-0100977	IV-MMI-0100978	
26	Motorola i867 - Box (PPX-0125)	IV-MMI-0100979	IV-MMI-0100984	
27	Motorola i867 - User Guide (PPX-0126)	IV-MMI-0100985	IV-MMI-0101055	
28	Motorola Triumph - Device (PPX-0127)	IV-MMI-0101056	IV-MMI-0101057	
29	Motorola Triumph - Box (PPX-0128)	IV-MMI-0101058	IV-MMI-0101064	
30	Motorola Triumph - User Guide (PPX-0129)	IV-MMI-0101065	IV-MMI-0101091	
31	Motorola Milestone X - Device (PPX-0130)	IV-MMI-0101092	IV-MMI-0101093	
32	Motorola Milestone X - Box (PPX-0131)	IV-MMI-0101094	IV-MMI-0101097	
33	Motorola Milestone X - User Guide (PPX-0132)	IV-MMI-0101098	IV-MMI-0101131	
34	Motorola Titanium - Device (PPX-0133)	IV-MMI-0101132	IV-MMI-0101133	
35	Motorola Titanium - User Guide (PPX-0134)	IV-MMI-0101134	IV-MMI-0101209	
36	Motorola XPRT - Device (PPX-0135)	IV-MMI-0101210	IV-MMI-0101211	
37	Motorola XPRT - Box (PPX-0136)	IV-MMI-0101212	IV-MMI-0101217	
38	Motorola XPRT - User Guide (PPX-0137)	IV-MMI-0101218	IV-MMI-0101259	
39	Motorola Admiral - Device (PPX-0138)	IV-MMI-0101260	IV-MMI-0101261	
40	Motorola Admiral - Box Material (PPX-0139)	IV-MMI-0101262	IV-MMI-0101267	

41	Motorola Admiral - User Guide (PPX-0140)	IV-MMI-0101268	IV-MMI-0101315	
42	Motorola Photon 4G [MB855] - Device (PPX-0141)	IV-MMI-0101316	IV-MMI-0101317	
43	Motorola Photon 4G [MB855] - Box (PPX-0142)	IV-MMI-0101318	IV-MMI-0101320	
44	Motorola Photon 4G [MB855] - User's Guide (PPX-0143)	IV-MMI-0095038	IV-MMI-0095084	
45	Motorola Atrix 2 [MB865/ME865] - Device (PPX-0144)	IV-MMI-0095091	IV-MMI-0095092	
46	Motorola Atrix 2 [MB865/ME865] - Box (PPX-0145)	IV-MMI-0095093	IV-MMI-0095098	
47	Motorola Atrix 2 [MB865/ME865] - Instruction Manual (PPX-0146)	IV-MMI-0095099	IV-MMI-0095122	
48	Motorola Atrix 4G [MB860/MB861/ME860] - Device (PPX-0147)	IV-MMI-0095123	IV-MMI-0095124	
49	Motorola Atrix 4G [MB860/MB861/ME860] - Box (PPX-0148)	IV-MMI-0095125	IV-MMI-0095129	
50	Motorola Atrix 4G [MB860/MB861/ME860] - User's Guide (PPX-0149)	IV-MMI-0095130	IV-MMI-0095151	
51	Motorola Atrix HD [MB866] - Device (PPX-0150)	IV-MMI-0095152	IV-MMI-0095153	
52	Motorola Atrix HD [MB866] - Box (PPX-0151)	IV-MMI-0095154	IV-MMI-0095161	
53	Motorola Atrix HD [MB866] - Quick Start Guide (PPX-0152)	IV-MMI-0095162	IV-MMI-0095171	
54	Motorola Bali - Device (PPX-0153)	IV-MMI-0110909	IV-MMI-0110910	
55	Motorola Bali - Box (PPX-0154)	IV-MMI-0110911	IV-MMI-0110913	
56	Motorola Bali - User's Guide (PPX-0155)	IV-MMI-0110914	IV-MMI-0110945	
57	Motorola Theory - Device (PPX-0156)	IV-MMI-0119046	IV-MMI-0110947	
58	Motorola Theory - Box (PPX-0157)	IV-MMI-0110948	IV-MMI-0110950	
59	Motorola Theory - User's Guide (PPX-0158)	IV-MMI-0110951	IV-MMI-0110975	
60	Motorola Atrix 4G Lapdock (Kit SJYN 0737A) - Device (PPX-0159)	IV-MMI-0095172	IV-MMI-0095173	
61	Motorola Atrix 4G Lapdock (Kit SJYN 0737A) - Box (PPX-0160)	IV-MMI-0095174	IV-MMI-0095175	
62	Motorola Atrix 4G Lapdock (Kit SJYN 0737A) - User's Guide (PPX-0161)	IV-MMI-0095176	IV-MMI-0095177	
63	Motorola Lapdock 100 (Kit SJYN 0918A) - User's Guide (PPX-0162)	IV-MMI-0095178	IV-MMI-0095189	
64	Motorola Lapdock 100 (Kit SJYN 0918A) - Device (PPX-0163)	IV-MMI-0095190	IV-MMI-0095191	
65	Motorola Lapdock 100 (Kit SJYN 0918A) - Box (PPX-0164)	IV-MMI-0095192	IV-MMI-0095194	
66	Motorola Lapdock 500 (Kit SJYN 0920A) - Quick Get Started Guide (PPX-0165)	IV-MMI-0095195	IV-MMI-0095206	
67	Motorola Lapdock 500 (Kit SJYN0920A) - Device (PPX-0166)	IV-MMI-0095207	IV-MMI-0095208	
68	Motorola Lapdock 500 Pro (Kit SJYN0920A) - Box (PPX-0167)	IV-MMI-0095209	IV-MMI-0095211	
69	Motorola Lapdock 500 Pro (Kit SJYN0920A) - Box (PPX-0168)	IV-MMI-0095212	IV-MMI-0095225	
70	Motorola Electrify [MB853] - Device (PPX-0169)	IV-MMI-0095226	IV-MMI-0095227	
71	Motorola Electrify [MB853] - Box (PPX-0170)	IV-MMI-0095228	IV-MMI-0095233	

72	Motorola Electrify [MB853] - User's Guide (PPX-0171)	IV-MMI-0095236	IV-MMI-0095242	
73	Motorola XT886 - Device (PPX-0172)	IV-MMI-0095254	IV-MMI-0095255	
74	Motorola XT886 - Box (PPX-0173)	IV-MMI-0094958	IV-MMI-0094963	
75	Motorola XT886 - User Guide (PPX-0174)	IV-MMI-0094964	IV-MMI-0094969	
76	Motorola Electrify M (XT901) - Device (PPX-0175)	IV-MMI-0094970	IV-MMI-0094971	
77	Motorola Electrify M (XT901) - Box (PPX-0176)	IV-MMI-0094972	IV-MMI-0094977	
78	Motorola Electrify M (XT901) - User's Guide (PPX-0177)	IV-MMI-0097480	IV-MMI-0097562	
79	Motorola Rambler - Device (PPX-0178)	IV-MMI-0097563	IV-MMI-0097564	
80	Motorola Rambler - User's Guide (PPX-0179)	IV-MMI-0094978	IV-MMI-0095035	
81	Motorola i576 - Device (PPX-0180)	IV-MMI-0095036	IV-MMI-0095037	
82	Motorola i576 - Box (PPX-0181)	IV-MMI-0095085	IV-MMI-0095090	
83	Motorola i576 - User's Guide (PPX-0182)	IV-MMI-0097362	IV-MMI-0097379	
84	Motorola Quantico - Device (PPX-0183)	IV-MMI-0095234	IV-MMI-0095235	
85	Motorola Quantico - Tutorial (PPX-0184)	IV-MMI-0095243	IV-MMI-0095253	
86	Motorola Brute i686 - Device (PPX-0185)	IV-MMI-0095256	IV-MMI-0095257	
87	Motorola Brute i686 - User's Guide (PPX-0186)	IV-MMI-0096255	IV-MMI-0096444	
88	Motorola i412 - Device (PPX-0187)	IV-MMI-0096445	IV-MMI-0096446	
89	Motorola i412 - Box (PPX-0188)	IV-MMI-0096447	IV-MMI-0096448	
90	Motorola i412 - User's Guide (PPX-0189)	IV-MMI-0095590	IV-MMI-0095621	
91	Motorola Brute i680 - Device (PPX-0190)	IV-MMI-0095750	IV-MMI-0095751	
92	Motorola Brute i680 - Box (PPX-0191)	IV-MMI-0095752	IV-MMI-0095771	
93	Motorola Brute i680 - User's Guide (PPX-0192)	IV-MMI-0098852	IV-MMI-0098951	
94	Motorola i886 - Device (PPX-0193)	IV-MMI-0096247	IV-MMI-0096248	
95	Motorola i886 - Box (PPX-0194)	IV-MMI-0096249	IV-MMI-0096254	
96	Motorola i886 - User's Guide (PPX-0195)	IV-MMI-0097881	IV-MMI-0097956	
97	Motorola Clutch i475 - Device (PPX-0196)	IV-MMI-0097680	IV-MMI-0097681	
98	Motorola Clutch i475 - Box (PPX-0197)	IV-MMI-0097682	IV-MMI-0097684	
99	Motorola Clutch i475 - User's Guide (PPX-0198)	IV-MMI-0097685	IV-MMI-0097717	
100	Motorola Photon Q 4G LTE [XT896/XT897] - Device (PPX-0199)	IV-MMI-0097750	IV-MMI-0097751	
101	Motorola Photon Q 4G LTE [XT896/XT897] - Box (PPX-0200)	IV-MMI-0097752	IV-MMI-0097757	
102	Motorola Photon Q 4G LTE [XT896/XT897] - User's Guide (PPX-0201)	IV-MMI-0097857	IV-MMI-0097880	
103	R_Rankings by Deal by Asset	IV-MMI-0110786	IV-MMI-0110786	FRE 402, 403, 702, 802 (Subject of MM Daubert motion)
104	Excel Chart of Patents	IV-MMI-0110785	IV-MMI-0110785	FRE 402, 403, 702, 802 (Subject of MM Daubert motion)
105	Patent License Agreement between IV International Licensing Netherlands S.V. and HTC Corp.	IV-MMI-0104851	IV-MMI-0104872	FRE 402, 403, 702, 802 (Subject of MM Daubert motion)
106	Patent License Agreement between IV International License and LGE, effective 11/4/2011	IV-MMI-0105005	IV-MMI-0105054.1	FRE 402, 403, 702, 802 (Subject of MM Daubert motion)

107	License Agreement between IV International Licensing and Samsung Electronics Co., Ltd., effective 11/11/2010	IV-MMI-0105176	IV-MMI-0105200.1	FRE 402, 403, 702, 802 (Subject of MM Daubert motion)
108	Signature Page to License Agreement between IV International Licensing and Samsung Electronics Co., Ltd., effective 11/11/2010	IV-MMI-0003910	IV-MMI-0003910	FRE 402, 403, 702, 802 (Subject of MM Daubert motion)
109	Patent Purchase Agreement	IV-MMI-0078426	IV-MMI-0078451	
110	Assignment	IV-MMI-0080626	IV-MMI-0080629	
111	Assignment	IV-MMI-0081045	IV-MMI-0081058	
112	Assignment	IV-MMI-0081059	IV-MMI-0081072	
113	Assignment	IV-MMI-0081073	IV-MMI-0081078	
114	Assignment	IV-MMI-0081079	IV-MMI-0081083	
115	Assignment	IV-MMI-0081098	IV-MMI-0081104	
116	Patent Purchase Agreement	IV-MMI-0005288	IV-MMI-0005328	
117	Amendment to Patent Purchase Agreement	IV-MMI-0005226	IV-MMI-0005241	
118	Assignment	IV-MMI-0080671	IV-MMI-0080681	
119	Assignment	IV-MMI-0081014	IV-MMI-0081019	
120	Assignment	IV-MMI-0081020	IV-MMI-0081025	
121	Assignment	IV-MMI-0081032	IV-MMI-0081037	
122	Patent Purchase Agreement	IV-MMI-0005138	IV-MMI-0005174	
123	Patent Purchase Agreement	IV-MMI-0005175	IV-MMI-0005211	
124	Assignment of Patent Rights	IV-MMI-0005107	IV-MMI-0005113	
125	Assignment	IV-MMI-0080604	IV-MMI-0080609	
126	Assignment	IV-MMI-0080630	IV-MMI-0080635	
127	Assignment	IV-MMI-0080636	IV-MMI-0080644	
128	Assignment	IV-MMI-0080648	IV-MMI-0080655	
129	Assignment	IV-MMI-0081090	IV-MMI-0081097	
130	Patent License Agreement	IV-MMI-0005033	IV-MMI-0005056	
131	Assignment of Patent Rights	IV-MMI-0005063	IV-MMI-0005066	
132	Assignment	IV-MMI-0080599	IV-MMI-0080603	
133	Assignment	IV-MMI-0080656	IV-MMI-0080662	
134	Assignment	IV-MMI-0080663	IV-MMI-0080670	
135	Assignment	IV-MMI-0044120	IV-MMI-0044121	
136	Assignment	IV-MMI-0022890	IV-MMI-0022893	
137	Secured Party Bill of Sale and Transfer Agreement	IV-MMI-0022963	IV-MMI-0022973	
138	Assignment	IV-MMI-0080610	IV-MMI-0080619	
139	Assignment	IV-MMI-0080620	IV-MMI-0080625	
140	Assignment	IV-MMI-0080844	IV-MMI-0080851	
141	Assignment	IV-MMI-0080852	IV-MMI-0080867	
142	Assignment	IV-MMI-0081026	IV-MMI-0081031	
143	Screen Shots of Questionnaires, Stewart Expert Report, Appendix C	IV-MMI-0083965	IV-MMI-0083980	FRE 702, 704, 802
144	Summary Tabulations of Results, Stewart Expert Report, Appendix D	IV-MMI-0083981	IV-MMI-0084051	FRE 702, 704, 802
145	Malibu's MAXimum IP applied to cable technology	JORGENSEN005510	JORGENSEN005542	FRE 402, 403, 802
146	Malibu Networks - Introduction to the WINAAR System Architecture, dated 1/5/1999 (Native PowerPoint)	IV-MMI-087113	IV-MMI-087113	FRE 402, 403, 802

147	Malibu Networks - Introduction to the WINAAR System Architecture, dated 1/5/1999	IV-MMI-087113	IV-MMI-087113	FRE 402, 403, 802
148	Malibu Networks - Introduction to the WINAAR System Architecture, dated 1/5/1999	JORGENSEN005675	JORGENSEN005715	FRE 402, 403, 802
149	The Malibu Networks WINAAR System Architecture - Preliminary, dated 6/16/1998	JORGENSEN005815	JORGENSEN005823	FRE 402, 403, 802
150	The Malibu Networks WINAAR System Architecture - Preliminary with additions, dated 6/16/1998	JORGENSEN005835	JORGENSEN005843	FRE 402, 403, 802
151	Diagram of packet flow with and without QoS	JORGENSEN000402	JORGENSEN000402	FRE 402, 403, 802
152	Diagram of flows	JORGENSEN001291	JORGENSEN001291	FRE 402, 403, 802
153	Diagram of flows	JORGENSEN001292	JORGENSEN001292	FRE 402, 403, 802
154	Article on Malibu Networks, "Betting Big on IP"	JORGENSEN005215	JORGENSEN005218	FRE 402, 403, 802
155	Malibu Networks WINAAR System Architecture	JORGENSEN005824	JORGENSEN005832	FRE 402, 403, 802
156	Malibu Press Release	JORGENSEN005962	JORGENSEN005963	FRE 402, 403, 802
157	Malibu Networks - The Fusion of Wireless and IP	BES001805	BES001829	FRE 402, 403, 802
158	Malibu Networks - The Fusion of IP and Wireless	BES001972	BES002013	FRE 402, 403, 802
159	Malibu Business Plan	BES001933	BES001971	FRE 402, 403, 802
160	Powerpoint	BES002035	BES002056	FRE 402, 403, 802
161	Malibu Networks Business Plan; Exhibit 4 to Bakrevski Deposition	n/a	n/a	FRE 402, 403, 802
162	Letter dated 10/6/2011 from Marc Belloli to Motorola re patent and infringement by Motorola	IV-MMI-0084671	IV-MMI-0084673	
163	U.S. Provisional Patent Application 60/092,452	IV-MMI-0097718	IV-MMI-0097749	
164	U.S. Patent No. 6,862,622 (09/349,477) - File History	IV-MMI-0108435	IV-MMI-0110237	
165	YouTube Video - Motorola Admiral Review (PhoneArena)	IV-MMI-0110808	IV-MMI-0110808	FRE 402, 403, 701, 802, 901
166	YouTube Video - Motorola Admiral Review (AttachkOfTheShow)	IV-MMI-0110809	IV-MMI-0110809	FRE 402, 403, 701, 802, 901
167	YouTube Video - Motorola Admiral Review (watchvideonline)	IV-MMI-0110810	IV-MMI-0110810	FRE 402, 403, 701, 802, 901
168	YouTube Video - Motorola Admiral Unboxing (wirefly)	IV-MMI-0110811	IV-MMI-0110811	FRE 402, 403, 701, 802, 901
169	Motorola Admiral- Direct Connect	IV-MMI-0111021	IV-MMI-0111028	
170	Motorola Admiral - 3G Wi-Fi Hot Spot	IV-MMI-0111029	IV-MMI-0111030	
171	7,409,450 (95/002,076)	IV-MMI-0124473	IV-MMI-0124972	
172	Motorola Source Code	MMI-IV-SC0000314	MMI-IV-SC0000314	
173	Motorola Source Code	MMI-IV-SC0000319	MMI-IV-SC0000319	
174	Motorola Source Code	MMI-IV-SC0000390	MMI-IV-SC0000390	
175	Motorola Source Code	MMI-IV-SC0000396	MMI-IV-SC0000400	
176	Motorola Source Code	MMI-IV-SC0012775	MMI-IV-SC0012775	
177	Motorola Source Code	MMI-IV-SC0013019	MMI-IV-SC0013021	
178	Motorola Source Code	MMI-IV-SC0013100	MMI-IV-SC0013105	
179	Motorola Source Code	MMI-IV-SC0013112	MMI-IV-SC0013116	
180	Motorola Source Code	MMI-IV-SC0013128	MMI-IV-SC0013128	
181	Project Summary of Pax CDMA	MMI-IV0005025	MMI-IV0005028	
182	Motorola Source Code	MMI-IV-SC0000413	MMI-IV-SC0000413	
183	Motorola Source Code	MMI-IV-SC0000423	MMI-IV-SC0000423	
184	Motorola Source Code	MMI-IV-SC0000425	MMI-IV-SC0000425	

185	Motorola Source Code	MMI-IV-SC0000428	MMI-IV-SC0000428	
186	Motorola Source Code	MMI-IV-SC0000430	MMI-IV-SC0000431	
187	Motorola Source Code	MMI-IV-SC0000639	MMI-IV-SC0000643	
188	Motorola Source Code	MMI-IV-SC0000837	MMI-IV-SC0000873	
189	Motorola Source Code	MMI-IV-SC0001253	MMI-IV-SC0001258	
190	Motorola Source Code	MMI-IV-SC0001821	MMI-IV-SC0001830	
191	Motorola Source Code	MMI-IV-SC0003155	MMI-IV-SC0003158	
192	Motorola Source Code	MMI-IV-SC0003161	MMI-IV-SC0003163	
193	Motorola Source Code	MMI-IV-SC0003193	MMI-IV-SC0003223	
194	Motorola Source Code	MMI-IV-SC0003248	MMI-IV-SC0003252	
195	Motorola Source Code	MMI-IV-SC0003254	MMI-IV-SC0003263	
196	Motorola Source Code	MMI-IV-SC0003373	MMI-IV-SC0003389	
197	Passas et al., Quality-of-Service-Oriented Medium Access Control for Wireless ATM Networks, IEEE Communications Magazine, Nov. 1997	MMI-IV0953808	MMI-IV0953816	
198	cdma2000 High Rate Packet Data Air Interface Specification, 3GPP2 C.S0024-A, v3	MMI-IV095545	MMI-IV095545	This appears to be a typo. Motorola otherwise reserves the right to object.
199	cdma2000 High Rate Packet Data Air Interface Specification, 3GPP2 C.S0024-A, v3	MMI-IV0959545	MMI-IV0960708	
200	Quality of Service (QoS) Feature for 1xEV-DO Revision A	MMI-IV0960976	MMI-IV0961141	
201	U.S. Patent No. 6,046,980	MMI-IV0990351	MMI-IV0990383	
202	Packetshaper Data Sheet, Galloway	MMI-IV0990573	MMI-IV0990575	
203	Sprint Test Case Results - Pax-Admiral	MMI-IV1013223	MMI-IV1013223	FRE 402, 403, 802, 901
204	Agrawal, et al., An experimental indoor wireless network - SWAN: A Mobile Multimedia Wireless Network	MMI-IV1046437	MMI-IV1046452	
205	U.S. Provisional Patent Application 60/090,939 (GigaBlade Specifications, MMI-IV1047613 - MMI-IV1047614)	MMI-IV1046886	MMI-IV1047619	
206	U.S. Patent No. 6,046,979	MMI-IV1048112	MMI-IV1048130	
207	U.S. Patent No. 6,005,851	MMI-IV1048211	MMI-IV1048220	
208	Japanese Patent Application (Pub. No. H8-107417)	MMI-IV1048229	MMI-IV1048238	
209	U.S. Patent No. 6,463,096	MMI-IV1048262	MMI-IV1048275	
210	Video Matrix of Motorola Phones, Exhibit 5 to Jerry Gibson's Opening Expert Report	N/A	N/A	FRE 402, 403, 701, 704, 802, 901
211	PAX MR1 - Qchat Out of Service Update, dated 2/9/2012	MMI-IV0138867	MMI-IV0138868	FRE 402, 403, 802
212	User Trial Results	MMI-IV0139046	MMI-IV0139046	FRE 402, 403, 802, 901
213	List of Qchat Registration Scenarios from Qualcomm	MMI-IV0139048	MMI-IV0139049	FRE 402, 403, 802
214	Sprint Release Notes - Model: XT603, SW Version: 5.5.1Q.117_PAW-28, dated 2/13/2012	MMI-IV0139183	MMI-IV0139202	FRE 402, 403, 802
215	Sprint Customer Equipment EVDO Release A Functional	MMI-IV0141670	MMI-IV0141670	FRE 402, 403, 802
216	CDMA-Sprint Certification Process, dated 9/28/2010	MMI-IV0172439	MMI-IV0172448	FRE 402, 403, 802

217	PAX TA-7 Product Test Data	MMI-IV0182130	MMI-IV0182131	FRE 402, 403, 802, 901
218	PAX - User Trial Performance Summary	MMI-IV0182141	MMI-IV0182145	FRE 402, 403, 802, 901
219	PAX TA-3 Product Test Data, dated 10/4/2012	MMI-IV0182213	MMI-IV0182219	FRE 402, 403, 802, 901
220	Qchat - impact for PAX, dated 10/15/2010	MMI-IV0200263	MMI-IV0200282	FRE 402, 403, 802
221	Qualcomm Source Code	Q11VSC9080000001	Q11VSC9080000640	
222	CDMA2000 1xEV-DO (Rev A Overview) - Student Guide - Book 1, 80-W0470-1 Rev H	QCIV0001847	QCIV0001990	FRE 402, 403, 701, 802
223	CDMA2000 1xEV-DO (Rev A Overview) - Student Guide - Book 2, 80-W0470-1 Rev H	QCIV0001991	QCIV0002180	FRE 402, 403, 701, 802
224	1xEV-DO Revision A Over-the-Air QoS Configuration Example ("Qualcomm EV-DO Rev. A QoS Example")	QCIV0003048	QCIV0003107	FRE 402, 403, 701, 802
225	CDMA2000 1XEV-DO REV A Parameters: Design and Analysis	QCIV0003698	QCIV0003891	FRE 402, 403, 701, 802
226	Sprint Customer Equipment EVDO Release A Functional Requirements, Version 2.2.1, dated 10/27/2009	SPRINT002481	SPRINT002507	FRE 402, 403, 802
227	U.S. Patent No. 5,930,472	n/a	n/a	
228	U.S. Patent No. 5,610,910	n/a	n/a	
229	U.S. Patent No. 5,926,458	n/a	n/a	
230	U.S. Patent No. 6,125,397	n/a	n/a	
231	U.S. Patent No. 6,018,516	n/a	n/a	
232	U.S. Patent No. 6,038,216	n/a	n/a	
233	U.S. Patent No. 6,115,357	n/a	n/a	
234	U.S. Patent No. 6,205,120	n/a	n/a	
235	U.S. Patent No. 5,774,461	n/a	n/a	
236	U.S. Patent No. 5,889,816	n/a	n/a	
237	U.S. Patent No. 6,118,777	n/a	n/a	
238	The so-called Packet Shaper System	n/a	n/a	
239	Balakrishnan et al., A Comparison of Mechanisms for Improving TCP Performance Over Wireless Links, IEEE/ACM Transactions on Networking, Dec. 1997	n/a	n/a	
240	The so-called Stelliga / Softcom System	n/a	n/a	
241	Qchat 5.0 3G 1xEV-DO Infrastructure Vendor Requirement	SPRINT003793	SPRINT004047	FRE 402, 403, 802, 901
242	1xEV-DO Rev. A Technology in a Nutshell	SPRINT004048	SPRINT004073	FRE 402, 403, 701, 802, 901
243	Motorola Admiral Printout	IV-MMI-0125653	IV-MMI-0125654	
244	Display Module No. 72014016002 Assembly Drawings (Rev. A)	MMI-IV0021461	MMI-IV0021466	
245	Display Module No. 72014610001 Assembly Drawings (Rev. 02)	MMI-IV0021467	MMI-IV0021472	
246	Display Module No. 72014604001 Assembly Drawings (Rev. C)	MMI-IV0021473	MMI-IV0021482	
247	Display Module No. 72014605001 Assembly Drawings (Rev. A)	MMI-IV0021483	MMI-IV0021488	

248	Display Module No. 72014608004 Assembly Drawings (Rev. B)	MMI-IV0021495	MMI-IV0021500	
249	Display Module No. 72014610001 Assembly Drawings (Rev. B)	MMI-IV0021501	MMI-IV0021506	
250	Display Module No. 72014609001 Assembly Drawings (Rev. B)	MMI-IV0021515	MMI-IV0021520	
251	Display Module No. 72014604002 Assembly Drawings (Rev. B)	MMI-IV0021539	MMI-IV0021546	
252	Display Module No. 72014608006 Assembly Drawings (Rev. A)	MMI-IV0021579	MMI-IV0021586	
253	Display Module No. 72014608004 Assembly Drawings (Rev. A)	MMI-IV0021593	MMI-IV0021598	
254	Display Module No. 72014610001 Assembly Drawings (Rev. A)	MMI-IV0021623	MMI-IV0021628	
255	Display Module No. 72014002002 Assembly Drawings (Rev. A)	MMI-IV0950386	MMI-IV0950393	
256	Display Module No. 7201461001 Assembly Drawings (Rev. A)	MMI-IV0950418	MMI-IV0950523	
257	Display Module No. 72014016001 Assembly Drawings (Rev. A)	MMI-IV0955881	MMI-IV0955881	
258	Display Module No. 72014016001 Assembly Drawings (Rev. B)	MMI-IV0955889	MMI-IV0955889	
259	Material or Method Specification No. 71014250002 (Rev. A)	MMI-IV0950524	MMI-IV0950598	
260	Material or Method Specification No. 71014607001 (Rev. A)	MMI-IV0950685	MMI-IV0950769	
261	Material or Method Specification No. 72014055003 (Rev. B)	MMI-IV0950796	MMI-IV0950871	
262	Material or Method Specification No. 72014055001 (Rev. A)	MMI-IV0951135	MMI-IV0951213	
263	Display Module No. 72014002004 Assembly Drawings (Rev. A)	MMI-IV0951272	MMI-IV0951280	
264	Material or Method Specification No. 71014723001 (Rev. C)	MMI-IV0955729	MMI-IV0955729	
265	Material or Method Specification No. 71014250001 (Rev. A)	MMI-IV0955993	MMI-IV0955993	
266	Material or Method Specification No. 71014607001 (Rev. A)	MMI-IV0956061	MMI-IV0956145	
267	Material or Method Specification No. 72014003004 (Rev. B)	MMI-IV0956211	MMI-IV0956289	
268	Material or Method Specification No. 72014056001 (Rev. B)	MMI-IV0956290	MMI-IV0956373	
269	Display Module No. 72014016002 Assembly Drawings (Rev. A)	MMI-IV0977717	MMI-IV0977722	
270	Material or Method Specification No. 72014055003 (Rev. B)	MMI-IV0977798	MMI-IV0977873	
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273	Motorola Admiral - Important Information for Motorola Admiral	MMI-IV0005029	MMI-IV0005070	
274	Motorola Atrix 4G - User's Guide (AT&T)	MMI-IV0005534	MMI-IV0005619	
275	Motorola XPRT - User Guide	MMI-IV0007939	MMI-IV0008041	
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284	Exhibit A to Dr. Cairns Declaration in Support of IV's Opposition to Motorola's Motion for Summary Judgment of Invalidity	n/a	n/a	FRCP 26(a)(2)(B)(iii)
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286	Electrify Project Summary	MMI-IV0001037	MMI-IV0001040	
287	Electrify Repair Optimization Support Training	MMI-IV0001041	MMI-IV0001051	
288	Electrify Assembly Manual	MMI-IV0001052	MMI-IV0001089	
289	Electrify Disassembly Manual	MMI-IV0001090	MMI-IV0001123	
290	Photon 4G & Electrify Repair Optimization Service Training Level 3	MMI-IV0001124	MMI-IV0001124	
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293	Photon 4G Troubleshooting Guide	MMI-IV0001254	MMI-IV0001383	
294	'Laptopdock' Atrix Bundle Process Guide	MMI-IV0001647	MMI-IV0001651	
295	Lapdock 1.5 Assembly Manual	MMI-IV0001652	MMI-IV0001688	
296	Lapdock 1.5 Disassembly Manual	MMI-IV0001689	MMI-IV0001721	
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298	Lapdock Project Summary	MMI-IV0001730	MMI-IV0001732	
299	Atrix 2 Project Summary	MMI-IV0001733	MMI-IV0001741	
300	Atrix 2 Process Guide	MMI-IV0001742	MMI-IV0001747	
301	Atrix 2 Assembly Manual	MMI-IV0001748	MMI-IV0001785	
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304	Atrix 2 Schematics	MMI-IV0001807	MMI-IV0001835	
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309	Lapdock Schematic Parts List Level 1 & 2	MMI-IV0004698	MMI-IV0004698	
310	Lapdock 2 Premium Schematic Parts List	MMI-IV0004699	MMI-IV0004699	
311	Atrix 4G Product Summary 101211	MMI-IV0005445	MMI-IV0005458	
312	Atrix 4G Product Technical Specification Webpage	MMI-IV0005459	MMI-IV0005462	
313	Atrix Deep Dive Voice of Consumers Unsolicited Feedback	MMI-IV0005463	MMI-IV0005480	FRE 402, 403, 802
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319	Atrix Service Bulletin Screen	MMI-IV0005688	MMI-IV0005690	
320	Atrix Service Bulletin Battery	MMI-IV0005691	MMI-IV0005692	
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322	Atrix 4G Service Engineering Process Guide	MMI-IV0005696	MMI-IV0005702	
323	Atrix Assembly Manual	MMI-IV0005703	MMI-IV0005741	
324	Atrix Disassembly Manual	MMI-IV0005742	MMI-IV0005770	
325	Atrix Schematic Parts List	MMI-IV0005771	MMI-IV0005771	
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330	Atrix Schematics	MMI-IV0005789	MMI-IV0005791	
331	Atrix Repair Optimization Service Training Level 3	MMI-IV0005792	MMI-IV0005793	
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340	Photon 4G Repair Optimization Service Training Level 3	MMI-IV0008350	MMI-IV0008351	
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350	Photon 4G User Manual 1	MMI-IV0008787	MMI-IV0008854	
351	Photon 4G Project Summary 101911	MMI-IV0008855	MMI-IV0008859	
352	Photon 4G User Manual 2	MMI-IV0008860	MMI-IV0008925	
353	Photon 4G Project Summary 012712	MMI-IV0008926	MMI-IV0008930	

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356	Lapdock 2.0 Premium Material or Methods Specification	MMI-IV0017012	MMI-IV0017043	
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364	Lapdock 2 Standard Atrix 2 Bundle Product Description	MMI-IV0023521	MMI-IV0023523	
365	List of Testing Reports	MMI-IV0023527	MMI-IV0023527	FRE 402, 403, 802, 901
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367	Lapdock 2 Beta1 Build Product Description	MMI-IV0023586	MMI-IV0023587	
368	Lapdock 2 Requirements Matrixx	MMI-IV0023601	MMI-IV0023601	
369	Lapdock BOM Component Materials	MMI-IV0023662	MMI-IV0023662	
370	Lapdock ID Checklist	MMI-IV0023724	MMI-IV0023750	
371	Lapdock Chip Study	MMI-IV0023785	MMI-IV0023791	
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376	Lapdock Data Sheet Logic Low	MMI-IV0023913	MMI-IV0023916	
377	Lapdock Process Management Plan	MMI-IV0023917	MMI-IV0023917	
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383	Lapdock Data Sheet Cables	MMI-IV0024282	MMI-IV0024283	
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386	Lapdock Tracking List 082410 (one of many)	MMI-IV0024330	MMI-IV0024330	
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394	Lapdock Label Schematics	MMI-IV0024772	MMI-IV0024774	
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427	Atrix 2 vs. Atrix Comparison	MMI-IV0064071	MMI-IV0064076	
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476	Khyber Technologies PowerPoint	KUMAR0000004	KUMAR0000015	
477	Picture of 2001 CES Award and the Award Itself	KUMAR0000016	KUMAR0000016	
478	Picture of Prototype and Prototype Itself; Exhibit 49 to Kumar Deposition	KUMAR0000017	KUMAR0000017	
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503	Excel Spreadsheet - Compliance Matrix	MMI-IV0956374	MMI-IV0956374	FRE 402, 403, 802, 901
504	Compliance for "Sprint OMA MMS Client Requirements V1.2	MMI-IV0956379	MMI-IV0956379	FRE 402, 403, 802, 901
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507	USCC MMS Requirements	MMI-IV0956382	MMI-IV0956382	FRE 402, 403, 802, 901
508	Excel Spreadsheet - Lab and Field Test Requirements for Terminal Unit Acceptance	MMI-IV0958476	MMI-IV0958476	FRE 402, 403, 802, 901
509	Excel Spreadsheet - Atrix HD FFW AirCom Report	MMI-IV0958477	MMI-IV0958477	FRE 402, 403, 802, 901
510	Excel Spreadsheet - Atrix HD LE AirCom Report	MMI-IV0958478	MMI-IV0958478	FRE 402, 403, 802, 901
511	Excel Spreadsheet - AtrixII HD FFW AirCom Report	MMI-IV0958479	MMI-IV0958479	FRE 402, 403, 802, 901
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521	US Cellular Document Production	USCC_IVMT_0000001	USCC_IVMT_0003818	FRE 402, 403, 802, 901
522	Motorola MMS MMI IOT Handset Conformance for US Cellular, Document Version 2.0, Test Report Version 0.9	USCC_IVMT_0001989	USC_IVMT_0001989	FRE 402, 403, 802, 901
523	U.S. 5,379,340 (Patent)	MMI-IV0015846	MMI-IV0015876	

524	U.S. 5,801,700 (Patent)	N/A	N/A	
525	U.S. 7,810,144 (Patent)	IV-MMI-0082915	IV-MMI-0082965	
526	U.S. 7,810,144 (File History)	IV-MMI-0101321	IV-MMI-0102287	
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528	MMS Videos	IV-MMI-0103026	IV-MMI-0103029	FRE 402, 403, 701, 802, 901; FRCP 26 (a) (2) (B)(iii)
529	Book by LeBodic	IV-MMI-0110856	IV-MMI-0110879	
530	August 8, 2013, Declaration of Stehpen J. Zitnik and Exhibit A	N/A	N/A	FRE 402, 403, 802, 901
531	Source Code	144PATENT0000328	144PATENT0000822	
532	Source Code	144PATENT0001184	144PATENT0001240	
533	Source Code	144PATENT0001580	144PATENT0001596	
534	NetEx 1.0	144PATENT0001328	144PATENT0001332	
535	Screen Shot	144PATENT0001339	144PATENT0001339	
536	Screen Shot	144PATENT0001340	144PATENT0001340	
537	Screen Shot	144PATENT0001341	144PATENT0001341	
538	Contents for NetEx Help	144PATENT0001349	144PATENT0001412	
539	Screen Shot	144PATENT0001413	144PATENT0001413	
540	NetPost.Certified	144PATENT0002084	144PATENT0002101	
541	Compress Module	144PATENT0003117	144PATENT0003127	
542	Software Product License	144PATENT0003689	144PATENT0003690	
543	US Postal Service	144PATENT0003700	144PATENT0003700	
544	Source Code	144PATENT0003924	144PATENT0003937	
545	Interface Specification	144PATENT0004062	144PATENT0004086	
546	Source Code	144PATENT0004216	144PATENT0004234	
547	3/7/12 - Response to Plaintiffs' First Set of of Interrogatories to Defendant	N/A	N/A	FRE 402, 403, 901
548	3/15/12 - Defendant's Responess to Plaintiffs' Second Set of Interrogatories	N/A	N/A	FRE 402, 403, 901
549	11/15/12 - Supplemental Response to Plaintiffs' Frist Set of Interrogatories to Defendant (Nos. 1-8)	N/A	N/A	FRE 402, 403, 901
550	12/12/12 - Defendant's Second Supplemental Response to Plaintiffs' First Set of Interrogatories to Defendant (No. 1)	N/A	N/A	FRE 402, 403, 901
551	12/13/12 - Defendant's Responses to Plaintiffs' Third Set of Interrogatories (No. 11)	N/A	N/A	FRE 402, 403, 901
552	12/14/12 - Defendant's First Supplemental Response to Plaintiffs' Second Set of Interrogatories (Nos. 9 and 10)	N/A	N/A	FRE 402, 403, 901
553	2/28/13 - Defendant's Response to Plaintiff's Fourth Set of Interrogatories (No. 12)	N/A	N/A	FRE 402, 403, 901
554	3/15/13 - Response to Plaintiffs' Fifth Set of Interrogatories to Defendant (No. 13)	N/A	N/A	FRE 402, 403, 901

555	3/21/13 - Response to Plaintiffs' Sixth Set of Interrogatories to Defendant (No. 14)	N/A	N/A	FRE 402, 403, 901
556	4/16/13 - Supplemental Response to Plaintiffs' Fifth Set of Interrogatories to Defendant (No. 13)	N/A	N/A	FRE 402, 403, 901
557	4/24/13 - Second Supplemental Response to Plaintiffs' First Set of Interrogatories (Nos. 1-8)	N/A	N/A	FRE 402, 403, 901
558	4/16/13 - Supplemental Responses to Plaintiffs' Third Set of Interrogatories (No. 11)	N/A	N/A	FRE 402, 403, 901
559	4/25/13 - Second Supplemental Response to Plaintiffs' Second Set of Interrogatories (Nos. 9 and 10)	N/A	N/A	FRE 402, 403, 901
560	9/27/13 - Supplemental Responder to Plaintiffs' Interrogatory No. 3	N/A	N/A	FRE 402, 403, 901
561	Motorola - Return an App	IV-MMI-0083325	IV-MMI-0083328	FRE 402, 403, 802, 901
562	AT&T Device Help for the Motorola Atrix HD Jelly Bean - Send Multimedia Message	IV-MMI-0083329	IV-MMI-0083329	FRE 402, 403, 802, 901
563	Motorola - Send Multimedia Message	IV-MMI-0083330	IV-MMI-0083335	FRE 402, 403, 802, 901
564	Motorola MB612 XPRT	IV-MMI-0083336	IV-MMI-0083340	FRE 402, 403, 802, 901
565	Cspire Published Advertisement - Defy XT	IV-MMI-0083529	IV-MMI-0083534	FRE 402, 403, 802, 901
566	Google Play - Download and Uninstall Apps	IV-MMI-0083549	IV-MMI-0083549	FRE 402, 403, 802, 901
567	Google Android Basics: Google Account and Gmail Set-up	IV-MMI-0083569	IV-MMI-0083569	FRE 402, 403, 802, 901
568	Google Android Basics: Introduction	IV-MMI-0083574	IV-MMI-0083574	FRE 402, 403, 802, 901
569	Google Android Basics: Applications Market	IV-MMI-0083577	IV-MMI-0083577	FRE 402, 403, 802, 901
570	AT&T Device Help for the Motorola Atrix 2 ICS - Access Google Play	IV-MMI-0083769	IV-MMI-0083776	FRE 402, 403, 802, 901
571	AT&T Motorola Atrix 4G - Return Apps or Widgets	IV-MMI-0083811	IV-MMI-0083811	FRE 402, 403, 802, 901
572	AT&T Device Help for the Motorola Atrix HD Jelly Bean	IV-MMI-0083820	IV-MMI-0083820	FRE 402, 403, 802, 901
573	Motorola - Access Play Store	IV-MMI-0083821	IV-MMI-0083823	FRE 402, 403, 802, 901
574	AT&T Device Help for the Motorola Atrix HD Jelly Bean	IV-MMI-0083824	IV-MMI-0083824	FRE 402, 403, 802, 901
575	Motorola - Add or Remove an App	IV-MMI-0083825	IV-MMI-0083831	FRE 402, 403, 802, 901
576	AT&T Device Help for the Motorola Atrix HD Jelly Bean - Return an App	IV-MMI-0083832	IV-MMI-0083832	FRE 402, 403, 802, 901
577	Motorola WX435 Triumph - Download and Install an Application	IV-MMI-0083878	IV-MMI-0083900	FRE 402, 403, 802, 901
578	Motorola Electrify M - User's Guide	IV-MMI-0084154	IV-MMI-0084223	FRE 402, 403, 701, 802, 901

579	Motorola Admiral - Video Tutorial	IV-MMI-0102978	IV-MMI-0102985	FRE 402, 403, 701, 802, 901
580	Motorola Admiral - Video Tutorial	IV-MMI-0102978	IV-MMI-0102981	FRE 402, 403, 701, 802, 901
581	Motorola Admiral - Video Tutorial	IV-MMI-0102982	IV-MMI-0102985	FRE 402, 403, 701, 802, 901
582	Motorola Photon Q 4G LTE - Video Tutorial	IV-MMI-0102986	IV-MMI-0102989	FRE 402, 403, 701, 802, 901
583	Motorola Photon Q 4G LTE - Video Tutorial	IV-MMI-0102990	IV-MMI-0102993	FRE 402, 403, 701, 802, 901
584	Motorola Atrix HD - Video Tutorial	IV-MMI-0102994	IV-MMI-0102997	FRE 402, 403, 701, 802, 901
585	Motorola Atrix HD - Video Tutorial	IV-MMI-0102998	IV-MMI-0103001	FRE 402, 403, 701, 802, 901
586	Motorola Electrify 2 - Tutorial (video)	IV-MMI-0103002	IV-MMI-0103004	FRE 402, 403, 701, 802, 901
587	Motorola Defy XT - Video Tutorial	IV-MMI-0103005	IV-MMI-0103007	FRE 402, 403, 701, 802, 901
588	Motorola Triumph - Video Tutorial	IV-MMI-0103008	IV-MMI-0103010	FRE 402, 403, 701, 802, 901
589	Motorola Milestone X - Video Tutorial	IV-MMI-0103011	IV-MMI-0103013	FRE 402, 403, 701, 802, 901
590	U.S. Patent Application Serial No. 08/251,724	IV-MMI-0106627	IV-MMI-0107086	FRE 402, 403, 701, 802, 901
591	YouTube Video - Motorola Atrix Product Promo	IV-MMI-0110787	IV-MMI-0110787	FRE 402, 403, 701, 802, 901
592	YouTube Video - Motorola ATRIX 2 Review	IV-MMI-0110788	IV-MMI-0110788	FRE 402, 403, 701, 802, 901
593	YouTube Video - Motorola ATRIX 2 Review	IV-MMI-0110789	IV-MMI-0110789	FRE 402, 403, 701, 802, 901
594	YouTube Video - Motorola ATRIX 2 Review Part 1	IV-MMI-0110790	IV-MMI-0110790	FRE 402, 403, 701, 802, 901
595	YouTube Video - Motorola ATRIX 4G Review	IV-MMI-0110791	IV-MMI-0110791	FRE 402, 403, 701, 802, 901
596	YouTube Video - Motorola Atrix 4G: Overview & Review	IV-MMI-0110792	IV-MMI-0110792	FRE 402, 403, 701, 802, 901
597	YouTube Video - Motorola Atrix 4G Review	IV-MMI-0110793	IV-MMI-0110793	FRE 402, 403, 701, 802, 901
598	YouTube Video - Motorola Atrix 4G Review Part 1	IV-MMI-0110794	IV-MMI-0110794	FRE 402, 403, 701, 802, 901
599	YouTube Video - Motorola Atrix HD Review	IV-MMI-0110795	IV-MMI-0110795	FRE 402, 403, 701, 802, 901
600	YouTube Video - Motorola Atrix HD (AT&T) - First Look	IV-MMI-0110796	IV-MMI-0110796	FRE 402, 403, 701, 802, 901
601	YouTube Video - Motorola ATRIX HD benchmark test	IV-MMI-0110797	IV-MMI-0110797	FRE 402, 403, 701, 802, 901
602	YouTube Video - Motorola ATRIX HD unboxing and hands-on	IV-MMI-0110798	IV-MMI-0110798	FRE 402, 403, 701, 802, 901

603	YouTube Video - Motorola Electrify Unboxing	IV-MMI-0110799	IV-MMI-0110799	FRE 402, 403, 701, 802, 901
604	YouTube Video - Review of the Motorola Electrify	IV-MMI-0110800	IV-MMI-0110800	FRE 402, 403, 701, 802, 901
605	YouTube Video - Motorola Electrify Review (U.S. Cellular)	IV-MMI-0110801	IV-MMI-0110801	FRE 402, 403, 701, 802, 901
606	YouTube Video - Motorola Electrify 2 Review Part 1	IV-MMI-0110802	IV-MMI-0110802	FRE 402, 403, 701, 802, 901
607	YouTube Video - Motorola Electrify 2 Hands-On for Review	IV-MMI-0110803	IV-MMI-0110803	FRE 402, 403, 701, 802, 901
608	YouTube Video - Motorola Electrify 2 on U.S. Cellular-First Look	IV-MMI-0110804	IV-MMI-0110804	FRE 402, 403, 701, 802, 901
609	YouTube Video - Motorola Electrify M Review Part 1	IV-MMI-0110805	IV-MMI-0110805	FRE 402, 403, 701, 802, 901
610	YouTube Video - Motorola Electrify M Hands-on for Android Community	IV-MMI-0110806	IV-MMI-0110806	FRE 402, 403, 701, 802, 901
611	YouTube Video - Motorola Electrify M Unboxing	IV-MMI-0110807	IV-MMI-0110807	FRE 402, 403, 701, 802, 901
612	YouTube Video - Motorola Admiral Review	IV-MMI-0110808	IV-MMI-0110808	FRE 402, 403, 701, 802, 901
613	YouTube Video - Motorola PHOTON 4G Review Part 1	IV-MMI-0110809	IV-MMI-0110809	FRE 402, 403, 701, 802, 901
614	YouTube Video - Motorola Admiral Review	IV-MMI-0110810	IV-MMI-0110810	FRE 402, 403, 701, 802, 901
615	YouTube Video - Motorola Admiral Unboxing	IV-MMI-0110811	IV-MMI-0110811	FRE 402, 403, 701, 802, 901
616	YouTube Video - Motorola Photon Q	IV-MMI-0110812	IV-MMI-0110814	FRE 402, 403, 701, 802, 901
627	YouTube Video - Motorola PHOTON 4G Review Part 1	IV-MMI-0110813	IV-MMI-0110813	FRE 402, 403, 701, 802, 901
618	YouTube Video - Motorola Photon 4G Review	IV-MMI-0110814	IV-MMI-0110814	FRE 402, 403, 701, 802, 901
619	YouTube Video - Motorola Photon Q 4G LTE Review Part 1	IV-MMI-0110815	IV-MMI-0110815	FRE 402, 403, 701, 802, 901
620	Finsky Universal Store - High Level Architecture	MMI-GOOG0001973	MMI-GOOG0001974	
621	Motorola Electrify - Project Summary	MMI-IV0001037	MMI-IV0001040	
622	Schematic Drawing - Photon	MMI-IV0001125	MMI-IV0001155	
623	MB853 Motorola Electrify - Theory of Operation Rev. 1.0	MMI-IV0001156	MMI-IV0001216	
624	Motorola MB855 & MB853 Troubleshooting Guide	MMI-IV0001254	MMI-IV0001383	
625	IT Enterprise Android Apps: Plan and Updates, dated 4/2011	MMI-IV0001511	MMI-IV0001526	
626	IT Enterprise Android Apps: Plan and Updates, dated 8/2011	MMI-IV0001527	MMI-IV0001539	

627	IT Enterprise Android Apps: Plan and Updates, dated 7/2011	MMI-IV0001540	MMI-IV0001562	
628	IT Enterprise Android Apps: Plan and Updates, dated 6/2011	MMI-IV0001563	MMI-IV0001584	
629	IT Enterprise Android Apps: Plan and Updates, dated 5/2011	MMI-IV0001585	MMI-IV0001604	
630	IT Enterprise Android Apps: Plan and Updates, dated 11/2011	MMI-IV0001605	MMI-IV0001618	
631	IT Enterprise Android Apps: Plan and Updates, dated 10/2011	MMI-IV0001619	MMI-IV0001632	
632	IT Enterprise Android Apps: Plan and Updates, dated 9/2011	MMI-IV0001633	MMI-IV0001646	
633	Motorola Atrix 2 (Edison UMTS) - Project Summary	MMI-IV0001733	MMI-IV0001741	
634	Motorola MD Service Engineering Process Guide - MB865/ME865	MMI-IV0001742	MMI-IV0001747	
635	Motorola Atrix 2 - Schematic Diagram	MMI-IV0001807	MMI-IV0001835	
636	Motorola MB865/ME865 - Theory of Operation Rev. 1.0	MMI-IV0001914	MMI-IV0001962	
637	MB865/ME865 Troubleshooting Guide	MMI-IV0001963	MMI-IV0002053	
638	Motorola Triumph - Project Summary	MMI-IV0003633	MMI-IV0003640	
639	WX435 CDMA Level 3 Circuit Descriptions, dated 3/2/2011, V1.0	MMI-IV0003695	MMI-IV0003726	
640	WX435 Schematic	MMI-IV0003793	MMI-IV0003823	
641	Motorola Triumph - Project Summary	MMI-IV0003874	MMI-IV0003877	
642	Motorola Triumph - Tech Specifications	MMI-IV0003878	MMI-IV0003880	
643	Motorola Triumph - Getting Started Guide	MMI-IV0003881	MMI-IV0003982	
644	Motorola Triumph - User's Guide	MMI-IV0003983	MMI-IV0004050	FRE 402, 403, 701, 802, 901
645	Motorola Admiral - Project Summary	MMI-IV0005025	MMI-IV0005028	
646	Motorola Admiral - Important Information for Motorola Admiral	MMI-IV0005029	MMI-IV0005070	
647	Schematic Drawing - XT806 RF Block Diagram	MMI-IV0005133	MMI-IV0005135	
648	Motorola Admiral - User Guide (Sprint)	MMI-IV0005317	MMI-IV0005444	FRE 402, 403, 701, 802, 901
649	Motorola Atrix 4G (Olympus) NPI Dashboard - Project Summary	MMI-IV0005445	MMI-IV0005458	
650	Motorola Atrix 4G - Tech Specification	MMI-IV0005459	MMI-IV0005462	
651	Motorola Atrix 4G (Olympus) - Project Summary	MMI-IV0005512	MMI-IV0005520	
652	Motorola Atrix 4G (Olympus) - Project Summary	MMI-IV0005521	MMI-IV0005533	
653	Motorola Atrix 4G - User's Guide (AT&T)	MMI-IV0005534	MMI-IV0005619	FRE 402, 403, 701, 802, 901
654	Motorola Atrix 4G - User's Guide (AT&T)	MMI-IV0005534	MMI-IV0005619	FRE 402, 403, 701, 802, 901
655	Motorola Atrix 4G - Quickstart (AT&T)	MMI-IV0005620	MMI-IV0005621	
656	Motorola Atrix 4G - User's Guide (AT&T)	MMI-IV0005622	MMI-IV0005687	FRE 402, 403, 701, 802, 901
657	Motorola MD Service Engineering Process Guide - MB860/ME860	MMI-IV0005696	MMI-IV0005702	

658	Schematic Drawing - Atrix 4G	MMI-IV0005795		
659	Motorola MB612 - Theory of Operation, Rev. 1.0	MMI-IV0007807	MMI-IV0007849	
660	Motorola XPRT (MB612) - Project Summary	MMI-IV0007936	MMI-IV0007938	
661	Motorola XPRT - User Guide	MMI-IV0007939	MMI-IV0008041	FRE 402, 403, 701, 802, 901
662	Motorola Milestone X - Schematic Drawings	MMI-IV0008076	MMI-IV0008080	
663	XT701 Troubleshooting Guide: Repair Optimization, Service & Support, dated 8/1/2010	MMI-IV0008158	MMI-IV0008248	
664	Motorola Milestone XT720 / MOTOROI - Project Summary	MMI-IV0008262	MMI-IV0008268	
665	Spreadsheet of Motorola product documentation	MMI-IV0008269	MMI-IV0008269	
666	Motorola MD Service Engineering Process Guide - MB855	MMI-IV0008270	MMI-IV0008276	
667	Motorola Photon MB855 - Assembly Manual	MMI-IV0008277	MMI-IV0008314	
668	Motorola Photon 4G - Product Documentation	MMI-IV0008783	MMI-IV0008786	
669	Motorola Photon 4G - Product Documentation	MMI-IV0008787	MMI-IV0008854	
670	Motorola Photon 4G - Project Summary	MMI-IV0008855	MMI-IV0008859	
671	Motorola Photon 4G - User Guide (Sprint)	MMI-IV0008931	MMI-IV0009082	FRE 402, 403, 701, 802, 901
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673	Consumer Rate Free Apps and Ease of Discoverability as Most Important App Store Features, dated April 2012	MMI-IV0018942	MMI-IV0018967	FRE 402, 403, 802, 901
674	Experience Alignment Research: Platinum & Shadow - Full Qualitative Findings, dated 9/2009	MMI-IV0019366	MMI-IV0019420	FRE 402, 403, 802, 901
675	Motorola Atrix HD - Product Documentation (Edison HW Summary)	MMI-IV0063972	MMI-IV0063972	
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677	Motorola Atrix 2 - Schematic Diagram	MMI-IV0073247	MMI-IV0073274	
678	Motorola Defy XT - Transfer GDFS between an ME and a PC	MMI-IV0081684	MMI-IV0081685	
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680	Excel Chart - Testing	MMI-IV0099981	MMI-IV0099981	FRE 402, 403, 802, 901
681	Sprint Release Notes, dated 3/5/2012	MMI-IV0138897	MMI-IV0138925	FRE 402, 403, 802, 901
682	2011 Experience Software Roadmap, dated 10/7/2010	MMI-IV0166804	MMI-IV0166855	
683	Motorola Electrify - Schematic Diagrams	MMI-IV0167823	MMI-IV0167864	
684	Sunfire Product/Program Operations Reviews, dated 2/9/2011	MMI-IV0174276	MMI-IV0174299	
685	Sprint Software Release Notes, Model: MB855, SW Build Version: 4.5.1A-1_SUN-154 SPIBUILD, dated 7/20/2011	MMI-IV0174469	MMI-IV0174478	
686	Excel Chart - Testing	MMI-IV0214300	MMI-IV0214300	FRE 402, 403, 802, 901
687	Excel Chart - Testing	MMI-IV0214315	MMI-IV0214315	FRE 402, 403, 802, 901

688	Excel Chart - Testing	MMI-IV0214324	MMI-IV0214324	FRE 402, 403, 802, 901
689	Excel Chart - Testing Document	MMI-IV0214520	MMI-IV0214520	FRE 402, 403, 802, 901
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691	Sprint Software Release Notes, Model: MB612, dated 6/20/2012	MMI-IV0214866	MMI-IV0214878	
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693	Motorola Electrify - Sunfire WE (800/1900) - Electrify	MMI-IV0217202-		
694	Specification Sheet	MMI-IV0217203		
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697	Motorola Atrix HD - Project Summary	MMI-IV0952683	MMI-IV0952688	
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700	Motorola XT886 - Project Summary	MMI-IV0961142	MMI-IV0961147	
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702	GMS Package Release	MMI-IV0977979	MMI-IV0977979	
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704	Android 2.1 GMS Release Notes	MMI-IV0977981	MMI-IV0977982	
705	Android 2.2 GMS Release Notes	MMI-IV0977983	MMI-IV0977983	
706	Android 2.3 GMS Release Notes	MMI-IV0977984	MMI-IV0977985	
707	Android 3.1 GMS Release Notes	MMI-IV0977986	MMI-IV0977986	
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710	Android 4.1.x (Jelly Bean) Release Notes	MMI-IV0978000	MMI-IV0978005	
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713	Google Alliance Website	MMI-IV0978032	MMI-IV0978034	
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716	Handwritten notes regarding conception of '054 and '464 patents (TEL000001-TEL000020)	Reisman0018760	Reisman0018779	FRE 402, 403, 802
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723	Dynashuttle - Product and Service Overview	Reisman0028953	Reisman0028956	FRE 402, 403, 802
724	Dynashuttle - Company Backgrounder (TEL000108-TEL000111)	Reisman0029114	Reisman0029117	FRE 402, 403, 802
725	Teleshuttle - Mass Transit on the Info-Highway Now (TEL000112-TEL000113)	Reisman0029774	Reisman0029775	FRE 402, 403, 802
726	Teleshuttle - Electronic Delivery Made Easy (TEL000115-TEL000116)	Reisman0029822	Reisman0029823	FRE 402, 403, 802
727	Teleshuttle - Electronic Delivery Made Easy (TEL000117-TEL000123)	Reisman0030051	Reisman0030056	FRE 402, 403, 802
728	Teleshuttle - Enhanced CD MusicShuttle Concept (TEL000124-TEL000125)	Reisman0030750	Reisman0030751	FRE 402, 403, 802
729	Richard R. Reisman, CD-ROM/Online Hybrids - The Missing Link, dated April 1995 (TEL000126-TEL000130)	Reisman0031199	Reisman0031203	FRE 402, 403, 802
730	Dynashuttle - Inquiry Logs (TEL000261-TEL000433)	Reisman0044558	Reisman0044730	FRE 402, 403, 802
731	Letter dated 3/15/1995 from Richard Reisman to Harry Chesley (Macromedia) re: interest in integrating online access software and services into Director (TEL000434-TEL000435)	Reisman0053515	Reisman0053516	FRE 402, 403, 802
732	Dynashuttle - Inquiry Logs (TEL000436-TEL000488)	Reisman0053517	Reisman0053569	FRE 402, 403, 802
733	Dynashuttle - Inquiry Logs (TEL000490-TEL000499)	Reisman0053571	Reisman0053580	FRE 402, 403, 802
734	Dynashuttle - Inquiry Logs (TEL000501-TEL000541)	Reisman0053582	Reisman0053622	FRE 402, 403, 802
735	Letter dated 9/1/1995 from Richard Reisman to Don Muller re non-disclosure agreement (TEL000542-TEL000543)	Reisman0053623	Reisman0053624	FRE 402, 403, 802
736	Dynashuttle - Inquiry Logs (TEL000544-TEL000559)	Reisman0053625	Reisman0053640	FRE 402, 403, 802
737	Letter dated 7/1/1996 from Richard Reisman to Scott Randall (Media Designs) (TEL000560-TEL000561)	Reisman0053641	Reisman0053642	FRE 402, 403, 802
738	Letter dated 5/22/1995 from Richard Reisman to Len Jordan (Creative Multimedia) (TEL000562)	Reisman0053643	Reisman0053643	FRE 402, 403, 802
739	Business Summary - Development of Business Based on Patent Rights for Automated Internet Delivery, dated 6/30/1997 (TEL035030-TEL035041)	Reisman0053789	Reisman0053800	FRE 402, 403, 802
740	Dynashuttle - Preliminary Outline Business Plan, dated 6/27/1994 (TEL115137-TEL115142)	Reisman0087367	Reisman0087372	FRE 402, 403, 802
741	Letter dated 4/28/1995 from James Monaco to Richard Reisman re preliminary agreement to license Teleshuttle software for the Blockbuster disc project (with attachments) (TEL000074-TEL000076)	Reisman0110026	Reisman0110049	FRE 402, 403, 802
742	Teleshuttle - Mass Transit on the Info-Highway Now (TEL000112-TEL000113)	Reisman0110064	Reisman0110065	FRE 402, 403, 802
743	Teleshuttle - Landmark Developments (TEL000132)	Reisman0110084	Reisman0110084	FRE 402, 403, 802
744	Blockbuster Video Guide to Movies and Videos - The only CD-ROM Movie Guide with Monthly Electronic Updates (TEL000133)	Reisman0110085	Reisman0110085	FRE 402, 403, 802

745	Dynashuttle - Inquiry Logs (TEL000134-TEL000260)	Reisman0110086	Reisman0110212	FRE 402, 403, 802
746	Teleshuttle Views Plug-in for CD/Online Updates, Revised 1/11/1996 (TEL000533-TEL000534)	Reisman0110485	Reisman0110486	FRE 402, 403, 802
747	Motorola Photon 4G - User Guide (Sprint)	SPRINT000001	SPRINT000155	FRE 402, 701, 802, 901
748	Motorola XPRT - User Guide	SPRINT000206	SPRINT000293	FRE 402, 701, 802, 901
749	Download and Install an Application	SPRINT000294	SPRINT000355	FRE 402, 701, 802, 901
750	Motorola Admiral - User Guide (Sprint)	SPRINT000535	SPRINT000690	FRE 402, 701, 802, 901
751	Motorola Titanium - User Guide	SPRINT001028	SPRINT001200	FRE 402, 701, 802, 901
752	Motorola Triumph - User's Guide	SPRINT001201	SPRINT001268	FRE 402, 701, 802, 901
753	Motorola XPRT - User Guide	SPRINT001269	SPRINT001371	FRE 402, 701, 802, 901
754	Android User's Guide, including for version 2.3.4	SPRINT002097	SPRINT002480	FRE 402, 701, 802, 901
755	Link Level Frame Types	TEL000051	TEL000071	FRE 402, 403, 802
756	Schedule D - To Operators Supplementary Agreement with UNET	TEL000075	TEL000076	FRE 402, 403, 802
757	Handwritten notes - TS Logs	TEL000077	TEL000077	FRE 402, 403, 802
758	Teleshuttle - Master Purchase, License and Service Agreement, dated 4/28/1995	TEL000078	TEL000089	FRE 402, 403, 802
759	Operators Supplemental Agreement - To Teleshuttle Master Purchase, License and Service Agreement	TEL000090	TEL000093	FRE 402, 403, 802
760	Teleshuttle - Press Release: Offers Shortcut to Information Highways New Service Links CD-ROMs to Online Updates, dated 8/1/1994	TEL000096	TEL000103	FRE 402, 403, 802
761	Dynashuttle - Product and Service Overview	TEL000104	TEL000107	FRE 402, 403, 802
762	Dynashuttle - Company Backgrounder	TEL000108	TEL000111	FRE 402, 403, 802
763	Making Money with Teleshuttle	TEL000114	TEL000114	FRE 402, 403, 802
764	Teleshuttle - Advanced Consulting Service	TEL000131	TEL000260	FRE 402, 403, 802
765	Communication CD-ROMs Made Easy, dated 2/27/1995	TEL033996	TEL034016	FRE 402, 403, 802
766	Communication CD-ROMs Made Easy, dated 2/27/1995 (with handwritten annotations)	TEL034140	TEL034161	FRE 402, 403, 802
767	API Release 1.0 for Windows - Technical Reference, Pre-Release Draft 0.4, Working Copy, dated 2/13/1995	TEL034765	TEL034797	FRE 402, 403, 802
768	API Release 1.0 for Windows - Technical Reference, Pre-Release Draft 0.2, Working Copy, dated 2/13/1995	TEL034798	TEL034827	FRE 402, 403, 802
769	API Release 1.0 for Windows - Technical Reference, Pre-Release Draft 0.1, Working Copy, dated 9/12/1994	TEL034859	TEL034866	FRE 402, 403, 802
770	Dynashuttle - Product Applications, dated 8/1/1994	TEL038417	TEL038418	FRE 402, 403, 802
771	Teleshuttle - Technical Overview (with handwritten annotations)	TEL038979	TEL038979	FRE 402, 403, 802
772	Dynashuttle - Application Usage Examples, Pre-Release Draft 0.1 Working Copy, dated 9/12/1994	TEL039323	TEL039328	FRE 402, 403, 802

773	Dynashuttle - Technical Features (with handwritten notes), dated 8/1/1994	TEL039331	TEL039332	FRE 402, 403, 802
774	Dynashuttle - Application Program Interface (API) Functional Overview, Draft 6/10/1994	TEL039373	TEL039373	FRE 402, 403, 802
775	Source Code	TEL096248	TEL096332	FRE 402, 403, 802, 901
776	Teleshuttle - API Release 1.1 for Windows - Technical Reference, Version 1.1, June 26, 1995	TEL097141	TEL097179	FRE 402, 403, 802
777	Source Code	TEL097414	TEL0974501	FRE 402, 403, 802, 901
778	Source Code	TEL111043	TEL111102	FRE 402, 403, 802, 901
779	Fax dated 11/14/1994 from Mike Rauch to Richard Reisman re Teleshuttle created functional prototype	TEL127112	TEL127114	FRE 402, 403, 802
780	Motorola Defy XT - User's Guide	USCC_IVMT_0000335	USCC_IVMT_0000394	FRE 802, 901
781	Motorola Electrify - User's Manual	USCC_IVMT_0000395	USCC_IVMT_0000470	FRE 802, 901
782	Motorola Electrify - User's Guide (US Cellular)	USCC_IVMT_0000471	USCC_IVMT_0000534	FRE 802, 901
783	Excel Chart - Testing Document	USCC_IVMT_000124	USCC_IVMT_000124	FRE 402, 403, 802, 901
784	Excel Chart - Testing Document	USCC_IVMT_000125	USCC_IVMT_000125	FRE 402, 403, 802, 901
785	Excel Chart - Testing Document	USCC_IVMT_000126	USCC_IVMT_000126	FRE 402, 403, 802, 901
786	Excel Chart - Testing Document	USCC_IVMT_000127	USCC_IVMT_000127	FRE 402, 403, 802, 901
787	Excel Chart - Testing Document	USCC_IVMT_000128	USCC_IVMT_000128	FRE 402, 403, 802, 901
788	Apps Stats Update - Enhanced Visual Hierarchy, Kirkpatrick Dep. Ex. 3	MMI-GOOG0001754	MMI-GOOG0001754	
789	Android - Publishing Overview, Kirkpatrick Dep. Ex. 4	N/A	N/A	
790	Android - Publishing Checklist for Google Play, Kirkpatrick Dep. Ex. 5	N/A	N/A	
791	Android - Preparing for Release, Kirkpatrick Dep. Ex. 6	N/A	N/A	
792	Android - PackageInfo, Kirkpatrick Dep. Ex. 7	N/A	N/A	
793	Android - PackageInfo, Kirkpatrick Dep. Ex. 8	N/A	N/A	
794	The AndroidManifest.xml File, Kirkpatrick Dep. Ex. 9	N/A	N/A	
795	Android - PackageManager, Kirkpatrick Dep. Ex. 10	N/A	N/A	
796	Android - Building and Running, Kirkpatrick Dep. Ex. 11	N/A	N/A	
797	Android - APK Expansion Files, Kirkpatrick Dep. Ex. 12	N/A	N/A	
798	Source Code - DS707_PKT_MGRI.H	MMI-IV-SC0001582	MMI-IV-SC0001594	
799	Email Correspondence from Alton Absher to Yakov Zolotarev et al on 4/19/13	N/A	N/A	FRE 402, 403, 802
800	Email Correspondence from Alton Absher to Yakov Zolotarev et al on 4/26/13 attaching PDF table reflecting versions and releases of Android Market and Google Play	N/A	N/A	FRE 402, 403, 802
801	Source Code - DfeBulkDetails.java	MMI-IV-SC0000001	MMI-IV-SC0000699	
802	Source Code - BulkDetailsAction.java	MMI-IV-SC0000001	MMI-IV-SC0000699	
803	Source Code - MyAppsInstalledAdapter.java	MMI-IV-SC0000001	MMI-IV-SC0000699	

804	Source Code - InstallPolicies.java	MMI-IV-SC0000001	MMI-IV-SC0006969	
805	Source Code - NavigationManager.java	MMI-IV-SC0000001	MMI-IV-SC0006969	
806	Source Code - VendingApi.java	MMI-IV-SC0000001	MMI-IV-SC0006969	
807	Source Code - MyDownloadsAdapter.java	MMI-IV-SC0000001	MMI-IV-SC0006969	
808	Source Code - PackageInfoCache.java	MMI-IV-SC0000001	MMI-IV-SC0006969	
809	Source Code - NavigatonManager.java	MMI-IV-SC0000001	MMI-IV-SC0006969	
810	Source Code - DetailsSummaryAppViewBinder.java	MMI-IV-SC0000001	MMI-IV-SC0006969	
811	Source Code - DfeApiImpl.java	MMI-IV-SC0000001	MMI-IV-SC0006969	
812	Source Code - PurchaseAction.java	MMI-IV-SC0000001	MMI-IV-SC0006969	
813	Source Code - DeliveryAction.java	MMI-IV-SC0000001	MMI-IV-SC0006969	
814	Source Code - InstallerTask.java	MMI-IV-SC0000001	MMI-IV-SC0006969	
815	Source Code - Gdiff.java	MMI-IV-SC0000001	MMI-IV-SC0006969	
816	Source Code - PackageManagerHelper.java	MMI-IV-SC0000001	MMI-IV-SC0006969	
817	Source Code - PackageManagerUtils.java	MMI-IV-SC0000001	MMI-IV-SC0006969	
818	Source Code	MMI-GOOG-SC0000208	MMI-GOOG-SC0000233	
819	Source Code	MMI-GOOG-SC0000013	MMI-GOOG-SC0000013	
820	Source Code	MMI-GOOG-SC0000452	MMI-GOOG-SC0000471	
821	Source Code	MMI-GOOG-SC0000437	MMI-GOOG-SC0000440	
822	Source Code	MMI-GOOG-SC0000186	MMI-GOOG-SC0000206	
823	Declaration of Thomas Nguyen	IV-MMI-0111178	IV-MMI-0111182	FRE 402, 403, 802, 901
824	Declaration of Thomas A. Bedics	N/A	N/A	FRE 402, 403, 802, 901
825	Screenshot entitled "Add Your Google Play Credit Now," Von Ruff Dep. Ex. 4	N/A	N/A	
826	Motorola Atrix 4G - User's Guide, Von Ruff Dep. Ex. 5	MMI-IV00005534	MMI-IV0005619	FRE 402, 403, 701, 802, 901
827	Certified File History - U.S. Patent No. 6,227,669	IV-MMI-0107210	IV-MMI-0107461	
828	Certified File History - U.S. Patent No. 5,694,546 (08/251,724)	IV-MMI-0106627	IV-MMI-0107209	
829	Certified File History - U.S. Patent No. 5,420,820 (08/251,824)	IV-MMI-0095804	IV-MMI-0096246	
830	Certified File History - U.S. Patent No. 6,125,388 (08/982,157)	IV-MMI-0105213	IV-MMI-0106626	
831	Certified File History - U.S. Patent No. 6,594,692 (08/641,010) (Part 1 of 7)	IV-MMI-0121362	IV-MMI-0124273	
832	Certified File History - U.S. Patent No. 6,594,692 (08/641,010) (Part 2 of 7)	IV-MMI-0113938	IV-MMI-0114263	
833	Certified File History - U.S. Patent No. 6,594,692 (Part 2 of 7)	IV-MMI-0114692	IV-MMI-0114724	
834	Certified File History - U.S. Patent No. 6,594,692 (08/641,010) (Part 3 of 7)	IV-MMI-0117443	IV-MMI-0117751	
835	Certified File History - U.S. Patent No. 6,594,692 (08/641,010) (Part 4 of 7)	IV-MMI-0117752	IV-MMI-0118173	

836	Certified File History - U.S. Patent No. 6,594,692 (08/641,010) (Part 5 of 7)	IV-MMI-0120093	IV-MMI-0120488	
837	Certified File History - U.S. Patent No. 6,594,692 (08/641,010) (Part 6 of 7)	IV-MMI-0119367	IV-MMI-0119762	
838	Certified File History - U.S. Patent No. 6,594,692 (08/641,010) (Part 7 of 7)	IV-MMI-0120974	IV-MMI-0121361	
839	Certified Patent Assignment Record - U.S. Application No. 60/128,138, dated 4/7/1999	IV-MMI-0097957	IV-MMI-0097969	
840	Certified File History - U.S. Patent No. 6,219,669 (Part 1 of 9)	IV-MMI-0112944	IV-MMI-0113357	
841	Certified File History - U.S. Patent No. 6,219,669 (Part 2 of 9)	IV-MMI-0114264	IV-MMI-0114691	
842	Certified File History - U.S. Patent No. 6,219,669 (Part 3 of 9)	IV-MMI-0111664	IV-MMI-0112067	
843	Certified File History - U.S. Patent No. 6,219,669 (Part 4 of 9)	IV-MMI-0112068	IV-MMI-0112478	
844	Certified File History - U.S. Patent No. 6,219,669 (Part 5 of 9)	IV-MMI-0112507	IV-MMI-0112825	
845	Certified File History - U.S. Patent No. 6,219,669 (Part 6 of 9)	IV-MMI-0114725	IV-MMI-0115080	
846	Certified File History - U.S. Patent No. 6,219,669 (Part 7 of 9)	IV-MMI-0115081	IV-MMI-0115493	
847	Certified File History - U.S. Patent No. 6,219,669 (Part 8 of 9)	IV-MMI-0116101	IV-MMI-0116484	
848	Certified File History - U.S. Patent No. 6,219,669 (Part 9 of 9)	IV-MMI-0116485	IV-MMI-0116820	
849	Certified File History - U.S. Patent No. 6,442,571 (Part 1 of 12)	IV-MMI-0115494	IV-MMI-0115808	
850	Certified File History - U.S. Patent No. 6,442,571 (Part 2 of 12)	IV-MMI-0115809	IV-MMI-0116100	
851	Certified File History - U.S. Patent No. 6,442,571 (Part 3 of 12)	IV-MMI-0117443	IV-MMI-0117751	
852	Certified File History - U.S. Patent No. 6,442,571 (Part 4 of 12)	IV-MMI-0118174	IV-MMI-0118489	
853	Certified File History - U.S. Patent No. 6,442,571 (Part 5 of 12)	IV-MMI-0116821	IV-MMI-0117135	
854	Certified File History - U.S. Patent No. 6,442,571 (Part 6 of 12)	IV-MMI-0117136	IV-MMI-0117442	
855	Certified File History - U.S. Patent No. 6,442,571 (Part 7 of 12)	IV-MMI-0119763	IV-MMI-0120092	
856	Certified File History - U.S. Patent No. 6,442,571 (Part 8 of 12)	IV-MMI-0118796	IV-MMI-0119099	
857	Certified File History - U.S. Patent No. 6,442,571 (Part 9 of 12)	IV-MMI-0118490	IV-MMI-0118795	
858	Certified File History - U.S. Patent No. 6,442,571 (Part 10 of 12)	IV-MMI-0119100	IV-MMI-0119366	
859	Certified File History - U.S. Patent No. 6,442,571 (Part 11 of 12)	IV-MMI-0120489	IV-MMI-0120736	

860	Certified File History - U.S. Patent No. 6,442,571 (Part 12 of 12)	IV-MMI-0120737	IV-MMI-0120973	
861	Certified File History - U.S. Patent No. 7,263,528 (10/167,697)	IV-MMI-0107462	IV-MMI-0108233	
862	Certified File History - U.S. Patent No. 7,536,554 (10/657,221)	IV-MMI-0110325	IV-MMI-0110784	
863	Certified Patent Assignment Record - U.S. Application No. 60/100,962, dated 9/17/1998	IV-MMI-0097758	IV-MMI-0097856	
864	Certified Patent Assignment Record - U.S. Application No. 60/085,427, dated 5/14/1998	IV-MMI-0097565	IV-MMI-0097679	
865	Certified Patent Assignment Record - U.S. Application No. 60/065,533, dated 11/13/1997	IV-MMI-0098623	IV-MMI-0098851	
866	Certified File History - U.S. Patent No. 6,862,622 (09/349,477)	IV-MMI-0108435	IV-MMI-0110237	
867	Certified Patent Assignment Record - U.S. Application No. 60/092,452, dated 7/10/1998	IV-MMI-0097718	IV-MMI-0097749	
868	CV of Jason Nieh	N/A	N/A	
869	CV of Donald Alpert	N/A	N/A	
870	CV of Darren Cairns	N/A	N/A	
871	CV of Hugh Smith	N/A	N/A	
872	CV of Jerry Gibson	N/A	N/A	
873	CV of Dave Stewart	N/A	N/A	

EXHIBIT 8

DEFENDANT'S LIST OF EXHIBITS IT MAY OFFER AT TRIAL

DTX	DESCRIPTION	BEGBATES	ENDBATES	IV's Objections
1	Multimedia Messaging Service Client Transactions	IV-MMI0079699	IV-MMI0079753	
2	Multimedia Messaging Service Encapsulation Protocol	IV-MMI0079754	IV-MMI0079820	
3	Thumb Drive	N/A	N/A	FRE 402; FRE 403; FRE 802; FRE 901
4	AT&T Document 10776 Version 10.5 Lab and Field Test Requirements	N/A	N/A	FRE 402; FRE 403; FRE 802; FRE 901
5	Test Report - Motorola XT897 Asanti v66	N/A	N/A	FRE 402; FRE 403; FRE 802; FRE 901
6	Test Report - Motorola MB855 Sunfire v87	N/A	N/A	FRE 402; FRE 403; FRE 802; FRE 901
7	Test Report - Motorola MB603 Pax v78	N/A	N/A	FRE 402; FRE 403; FRE 802; FRE 901
8	AT&T Document 10776 Version 10.5 Device Integrity and Reliability Test	N/A	N/A	FRE 402; FRE 403; FRE 802; FRE 901
9	4.3 Handset Network Interactive Core Features	N/A	N/A	FRE 402; FRE 403; FRE 802; FRE 901
10	Test Report - Motorola MB612 - Kronos v88	N/A	N/A	FRE 402; FRE 403; FRE 802; FRE 901
11	AT&T Document 10776 Version 10.6 Lab and Field Test Requirements	N/A	N/A	FRE 402; FRE 403; FRE 802; FRE 901
12	AT&T Document 10776 Version 10.6 Lab and Field Test Requirements	N/A	N/A	FRE 402; FRE 403; FRE 802; FRE 901
13	Text Messaging - Using Message Details to debug MMS Issues	MMI-IV1011805	MMI-IV1011806	FRE 402; FRE 403; FRE 802; FRE 901

14	Text Messaging - Voice call while Sending/Receiving MMS	MMI-IV1011814	MMI-IV1011815	FRE 402; FRE 403; FRE 802; FRE 901
15	US Patent Application US 2012/0170204 A1 - Ahn	N/A	N/A	
16	Notice of Acceptance of Power of Attorney	N/A	N/A	FRE 402; FRE 403; FRE 802; FRE 901
17	US Patent 5,436,857 - Nelson	N/A	N/A	
18	US Patent 7,549,007 - Smith	N/A	N/A	
19	Certified Copy of Provisional Application No. 60/092,452	IV-MMI0097718	IV-MMI0097749	
20	Malibu Networks WINAAR System Architecture	JORGENSEN005844	JORGENSEN005853	FRE 402; FRE 403; FRE 802; FRE 901
21	Motorola Lapdock 100 Product Brochure	N/A	N/A	
22	Materials or Methods Specifications for LapDock	MMI-IV0024131	MMI-IV0024151	
23	Lapdock 1.5 Product Brochure	MMI-IV0001722	MMI-IV0001729	
24	Materials or Methods Specifications for LapDock 2.0 Standard	MMI-IV0017150	MMI-IV0017181	
25	Materials or Methods Specifications for LapDock 2.0 Premium (Lapdock 500 Pro)	MMI-IV0017012	MMI-IV0017043	
26	US Patent 6,148,183 - Higdon	N/A	N/A	FRE 402; FRE 403; FRE 802; FRE 901
27	Assembly -- Exploded View - 72014608006	MMI-IV0021579	MMI-IV0021585	
28	Material or Methods Specifications 72014055003	MMI-IV0950796	MMI-IV0950871	

29	Claim Chart re Motorola XPRT - '953 Patent	N/A	N/A	FRE 402; FRE 403; FRE 802; FRE 901
30	Module Assembly - 72014604002	MMI-IV0021539	MMI-IV0021546	
31	Material or Methods Specifications 71014250002	MMI-IV0950524	MMI-IV0950598	
32	US Patent 6,104,454 - Hiyama	N/A	N/A	
33	Japanese Patent No. H3-6525 - Mukasa - English Translation	MMI-IV0021143	MMI-IV0021147	
34	Japaense Patent No. H3-6525 - Mukasa	MMI-IV1093427	MMI-IV1093431	FRE 402; FRE 403; FRE 802; FRE 901
35	Certificate of Translation for H3-6525	MMI-IV1093894	MMI-IV1093894	
36	US Patent 6,559,911 - Arakawa	N/A	N/A	FRE 402; FRE 403; FRE 802; FRE 901
37	US Patent 5,499,112 - Kawai	N/A	N/A	FRE 402; FRE 403; FRE 802; FRE 901
38	2001-12-03 Office Action re App No. 09/411,625	N/A	N/A	
39	2002-02-27 Amendment re App No. 09/411.625	N/A	N/A	
40	PCT No. WO 95/17692	N/A	N/A	FRE 402; FRE 403; FRE 802; FRE 901
41	IV Org Chart	IV-MMI0000402	IV-MMI0000402	FRE 402; FRE 403
42	IV - Peter Detkin Background	N/A	N/A	
43	Funds - Intellectual Ventures Web Page	N/A	N/A	
44	Malibu Networks - Acquisition Info	IV-MMI0058650	IV-MMI0058650	FRE 402; FRE 403; FRE 802; FRE 901

45	6,862,622 Overview - TCP/IP Packet-Centric Wireless Point to Multi-Point Transmission System Architecture	IV-MMI0007620	IV-MMI0007621	FRE 402; FRE 403; FRE 802; FRE 901
46	Claim Chart for US 7,409,450	IV-MMI0013508	IV-MMI0013513	FRE 402; FRE 403; FRE 802; FRE 901; Motorola's Statement of Open Issues re: Standards Reads
47	US 6,640,248 Jorgensen Presentation	IV-MMI0054076	IV-MMI0054115	FRE 402; FRE 403; FRE 802; FRE 901
48	InternetExpress: An Inter-Desktop Multimedia Data-Transfer Service	N/A	N/A	FRE 402; FRE 403; FRE 802; FRE 901
49	US Patent 6,046,980 - Packer	MMI-IV0990351	MMI-IV0990383	FRE 402; FRE 403; FRE 802; FRE 901
50	CyberSwitch, Inc. Business Plan	MMI-IV1090281	MMI-IV1090308	FRE 402; FRE 403; FRE 802; FRE 901
51	Data Communications - Hot Products - The Brightest Ideas in Networking	MMI-IV1090324	MMI-IV1090332	FRE 402; FRE 403; FRE 802; FRE 901
52	PacketShaper - the Internet Traffic Management Solution	MMI-IV1090381	MMI-IV1090384	FRE 402; FRE 403; FRE 802; FRE 901
53	Packeteer Business Plan	MMI-IV1090349	MMI-IV1090371	FRE 402; FRE 403; FRE 802; FRE 901
54	PolicyEngine Product Overview, CyberSwitch, Inc.	MMI-IV1090404	MMI-IV1090425	FRE 402; FRE 403; FRE 802; FRE 901
55	PacketShaper Data Sheet	MMI-IV0990573	MMI-IV0990575	FRE 402; FRE 403; FRE 802; FRE 901
56	PacketShaper FAQ	MMI-IV0990576	MMI-IV0990579	FRE 402; FRE 403; FRE 802; FRE 901

57	Provisional Patent Application - Method for Automatically Classifying Traffic in a Policy Based Bandwidth Allocation System	MMI-IV1078779	MMI-IV1048811	FRE 402; FRE 403; FRE 802; FRE 901
58	US Patent 6,026,366 - Grube	MMI-IV0950189	MMI-IV0950195	FRE 402; FRE 403; FRE 802; FRE 901
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263	Electirfy 2 MMS	MMI-IV0977798	MMI-IV0977873	
264	Electrify 2 MMS	MMI-IV0950796	MMI-IV0950781	
265	Electrify 2 Assembly	MMI-IV0955881	MMI-IV0955888	

266	Electrify 2 Assembly	MMI-IV0955889	MMI-IV0955896	
267	Electrify 2 Assembly	MMI-IV0021461	MMI-IV0021466	
268	Electrify 2 Assembly	MMI-IV0977717	MMI-IV0977722	
269	Electrify 2 PAF	MMI-IV1010541	MMI-IV1010542	
270	Electrify 2 PAF	MMI-IV1010543	MMI-IV1010544	
271	Photon 4 G MMS	MMI-IV0951135	MMI-IV0951213	
272	Photon 4 G Assembly	MMI-IV0021593	MMI-IV0021598	
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278	Photon 4 G LTE Assembly	MMI-IV0955881	MMI-IV0955888	
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283	XT886 MMS	MMI-IV0977798	MMI-IV0977873	
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285	XT886 Assembly	MMI-IV0955881	MMI-IV0955888	
286	XT886 Assembly	MMI-IV0955889	MMI-IV0955896	
287	XT886 Assembly	MMI-IV0021461	MMI-IV0021466	
288	XPRT MMS	MMI-IV0977798	MMI-IV0977873	
289	XPRT MMS	MMI-IV0950796	MMI-IV0950781	
290	XPRT Assembly	MMI-IV0021473	MMI-IV0021482	
291	XPRT Assembly	MMI-IV0021539	MMI-IV0021546	
292	XPRT NPI	MMI-IV0007936	MMI-IV0007938	
293	Titanium MMS	MMI-IV0955993	MMI-IV0956060	
294	Titanium MMS	MMI-IV0950524	MMI-IV0950598	
295	Titanium Assembly	MMI-IV0021473	MMI-IV0021482	

296	Titanium Assembly	MMI-IV0021539	MMI-IV0021546	
297	Titanium NPI	MMI-IV0009562	MMI-IV009566	
298	Triumph NPI	MMI-IV0003633	MMI-IV0003636	
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430	1:2013-cv-01634, Intellectual Ventures I LLC v. Nextel Operations Inc. et al, , October 1, 2013	MMI-IV1092804	MMI-IV1092827	FRE 402; FRE 403; not produced during discovery
431	1:2013-cv-01635, Intellectual Ventures II LLC v. Nextel Operations Inc. et al, , October 1, 2013	MMI-IV1092828	MMI-IV1092839	FRE 402; FRE 403; not produced during discovery
432	1:2013-cv-01636, Intellectual Ventures I LLC v. United States Cellular Corporation, , October 1, 2013	MMI-IV1092840	MMI-IV1092855	FRE 402; FRE 403; not produced during discovery

433	1:2013-cv-01637, Intellectual Ventures II LLC v. United States Cellular Corporation, , October 1, 2013	MMI-IV1092856	MMI-IV1092866	FRE 402; FRE 403; not produced during discovery
434	1:2013-cv-01649, Intellectual Ventures I LLC et al v. AT&T Mobility LLC et al, filed October 4, 2013	MMI-IV1092867	MMI-IV1092883	FRE 402; FRE 403; not produced during discovery
435	1:2013-cv-01650, Intellectual Ventures I LLC et al v. Leap Wireless International Inc. et al, filed October 4, 2013	MMI-IV1092884	MMI-IV1092897	FRE 402; FRE 403; not produced during discovery
436	1:2013-cv-01652, Intellectual Ventures I LLC et al v. Nextel Operations Inc. et al, filed October 4, 2013	MMI-IV1092898	MMI-IV1092911	FRE 402; FRE 403; not produced during discovery
437	1:2013-cv-01654, Intellectual Ventures I LLC et al v. T-Mobile USA Inc. et al, filed October 4, 2013	MMI-IV1092912	MMI-IV1092925	FRE 402; FRE 403; not produced during discovery
438	1:2013-cv-01655, Intellectual Ventures I LLC et al. v. United States Cellular Corporation, filed October 4, 2013	MMI-IV1092926	MMI-IV1092939	FRE 402; FRE 403; not produced during discovery
439	1:2013-cv-01668, Intellectual Ventures I LLC et al v. AT & T Mobility LLC et al, October 7, 2013	MMI-IV1092940	MMI-IV1092957	FRE 402; FRE 403; not produced during discovery

440	1:2013-cv-01669, Intellectual Ventures I LLC et al v. Leap Wireless International Inc. et al, October 7, 2013	MMI-IV1092958	MMI-IV1092972	FRE 402; FRE 403; not produced during discovery
441	1:2013-cv-01670, Intellectual Ventures I LLC et al v. Nextel Operations Inc. et al, October 7, 2013	MMI-IV1092973	MMI-IV1092986	FRE 402; FRE 403; not produced during discovery
442	1:2013-cv-01671, Intellectual Ventures I LLC et al v. T-Mobile USA Inc. et al., October 7, 2013	MMI-IV1092987	MMI-IV1093001	FRE 402; FRE 403; not produced during discovery
443	1:2013-cv-01672, Intellectual Ventures I LLC et al v. United States Cellular Corporation, October 7, 2013	MMI-IV1093002	MMI-IV1093016	FRE 402; FRE 403; not produced during discovery
444	Google Mobile Services Test Suite	MMI-IV0978043	MMI-IV0978051	FRE 402; FRE 403; FRE 802; FRE 901
445	50 Greatest Gadgets	MMI-IV1093403	MMI-IV1093423	FRE 402; FRE 403; FRE 802; FRE 901; not produced during discovery
446	U.S. Patent 5,161,041 - Abileah	MMI-IV1092235	MMI-IV1092247	FRE 402; FRE 403; FRE 802; FRE 901; not produced during discovery
447	IV Patent List	MMI-IV1093892	MMI-IV1093892	FRE 402; FRE 403; FRE 802; FRE 901; not produced during discovery
448	IV Reveals list of thousands of patents, Inside Counsel	MMI-IV1093424	MMI-IV1093426	FRE 402; FRE 403; FRE 802; FRE 901; not produced during discovery
449	File History for the US 6,219,669	IV-MMI0112944	IV-MMI0116820	
450	Spreadsheet - Test/User report for Atrix 4G	MMI-IV1093893	MMI-IV1093893	FRE 402; FRE 403; FRE 802; FRE 901; not produced during discovery

451	Vikuiti 3M Optical Systems	MMI-IV1093888	MMI-IV1093891	FRE 402; FRE 403; FRE 802; FRE 901; not produced during discovery
452	Khyber Technologies Corporation - The Docking Display	MMI-IV1093432	MMI-IV1093432	
453	SSR Results	MMI-IV1093884	MMI-IV1093887	FRE 402; FRE 403; FRE 802; FRE 901; not produced during discovery
454	2011-10-06 Notice Letter from M Beloli to Motorola	MMI-IV1093401	MMI-IV1093402	
455	Mobile Systems Consulting	MMI-IV0090998	MMI-IV0091623	FRE 402; FRE 403; FRE 802; FRE 901
456	Definition of Linear Light Source	IA0200	IA0202	FRE 402; FRE 403; FRE 802; FRE 901
457	Motorola Atrix 4G	N/A	N/A	FRE 402; FRE 403; FRE 802; FRE 901; IV reserves its right to add other objections because it is not clear what this is - i.e. whether it is a physical product or something else
458	Motorola Photon G	N/A	N/A	FRE 402; FRE 403; FRE 802; FRE 901; IV reserves its right to add other objections because it is not clear what this is - i.e. whether it is a physical product or something else
459	Motorola Admiral	N/A	N/A	FRE 402; FRE 403; FRE 802; FRE 901; IV reserves its right to add other objections because it is not clear what this is - i.e. whether it is a physical product or something else

460	Motorola Electrify	N/A	N/A	FRE 402; FRE 403; FRE 802; FRE 901; IV reserves its right to add other objections because it is not clear what this is - i.e. whether it is a physical product or something else
461	Motorola Titanium	N/A	N/A	FRE 402; FRE 403; FRE 802; FRE 901; IV reserves its right to add other objections because it is not clear what this is - i.e. whether it is a physical product or something else
462	Lapdock 100	N/A	N/A	FRE 402; FRE 403; FRE 802; FRE 901; IV reserves its right to add other objections because it is not clear what this is - i.e. whether it is a physical product or something else
463	IV Patent List	N/A	N/A	FRE 402; FRE 403; FRE 802; FRE 901
464	IV Press Release - Intellectual Ventures Reveals List of Thousands of Patents	N/A	N/A	FRE 402; FRE 403; FRE 802; FRE 901
465	Editorial Staff, CrossTalk for Windows, CSAL Programmer's Guide	N/A	N/A	FRE 402; FRE 403; FRE 802; FRE 901
466	Google Source Code	N/A	N/A	IV objects to this exhibit because it is not properly identified as to what this source code is and it does not contain a Bates nubmer
467	2013-02-22 - Intellectual Ventures I LLC's 4th Supplemental Answers to MML's 1st Set of Interrogatories	N/A	N/A	

In addition, Motorola Mobility submits the exhibits listed below subject to its evidentiary motions, including Daubert and				
468	Investor Participation	IV-MMI0110785	IV-MMI0110785	
469	R Rankings by Deal by Asset	IV-MMI0110786	IV-MMI0110786	
470	Patent License Agreement - Apple	IV-MMI0000713	IV-MMI0000731	
471	Patent License Agreement - Intel	IV-MMI0000928	IV-MMI0000941	
472	Subscription Agreement - Invention Investment Fund II, LLC	IV-MMI0001687	IV-MMI0001715	
473	Patent License Agreement - Verizon	IV-MMI0001285	IV-MMI0001298	
474	Patent License Agreement - Verizon	IV-MMI0001299	IV-MMI0001317	
475	Patent License Agreement - LG Electronics	IV-MMI0079111	IV-MMI0079160	
476	Patent License Agreement - TwinTech	IV-MMI0066141	IV-MMI0066177	
477	Patent License Agreement - Transpacific IP I and Zhi Graser Pte., LLC	IV-MMI0005033	IV-MMI0005056	
478	Patent License Agreement - TransNet Capital Fund and Khyber Technologies	IV-MMI0022467	IV-MMI0022511	
479	Patent License Agreement	IV-MMI0001582	IV-MMI0001592	
480	Patent License Agreement	IV-MMI0022336	IV-MMI0022359	

481	Patent Purchase Agreement	IV-MMI0023160	IV-MMI0023200	
482	License Agreement between IV Licensing - Samsung	IV-MMI0105176	IV-MMI0105200	
483	Patent License Agreement - LG	IV-MMI0105005	IV-MMI0105054	
484	Invention Investment Fund I, L.L.C. Subscription Agreement	IV-MMI0001014	IV-MMI0001034	
485	SI Everything Member Subscription Agreement	IV-MMI0002973	IV-MMI0002994	
486	Microsoft Licensing, LP	IV-MMI0000984	IV-MMI0000996	
487	Nokia Corporation	IV-MMI0001087	IV-MMI0001101	
488	SAP America, Inc.	IV-MMI0001155	IV-MMI0001168	
489	Xilinx, Inc.	IV-MMI0001400	IV-MMI0001413	
490	Yahoo!, Inc.	IV-MMI0001442	IV-MMI0001455	
491	eBay!, Inc.	IV-MMI0001491	IV-MMI0001504	
492	SAP America, Inc.	IV-MMI0001729	IV-MMI0001758	
493	SAP America, Inc.	IV-MMI0001759	IV-MMI0001830	
494	Sony Corporation of America	IV-MMI0001866	IV-MMI0001875	
495	Amazon Technologies, Inc.	IV-MMI0001876	IV-MMI0001884	

496	Amazon Technologies, Inc.	IV-MMI0001903	IV-MMI0001915	
497	Sony Corporation of America	IV-MMI0002088	IV-MMI0002107	
498	Google, Inc.	IV-MMI0002250	IV-MMI0002258	
499	Intel Corporation	IV-MMI0002304	IV-MMI0002313	
500	LP6 LLC	IV-MMI0002324	IV-MMI0002334	
501	eBay!, Inc.	IV-MMI0002654	IV-MMI0002668	
502	eBay!, Inc.	IV-MMI0002669	IV-MMI0002679	
503	Adobe Systems Incorporated	IV-MMI0002703	IV-MMI0002717	
504	Adobe Systems Incorporated	IV-MMI0002718	IV-MMI0002731	
505	Amazon.com NV Investment Holdings, Inc.	IV-MMI0002758	IV-MMI0002772	
506	American Express Travel Related Services Company, Inc.	IV-MMI0002823	IV-MMI0002837	
507	Apple, Inc.	IV-MMI0002895	IV-MMI0002909	
508	Cisco Systems, Inc.	IV-MMI0002995	IV-MMI0003026	
509	Cisco Systems, Inc.	IV-MMI0003027	IV-MMI0003041	
510	Yahoo!, Inc.	IV-MMI0003236	IV-MMI0003246	

511	Bluecat Networks (USA), Inc.	IV-MMI0003338	IV-MMI0003346	
512	Chunghwa Pictures Tubes (Bermuda), Ltd.	IV-MMI0003390	IV-MMI0003409	
513	Dashwire, Inc.	IV-MMI0003508	IV-MMI0003513	
514	HTC Corporation	IV-MMI0003564	IV-MMI0003585	
515	Wistron Corporation	IV-MMI0003663	IV-MMI0003682	
516	Intuit, Inc.	IV-MMI0003705	IV-MMI0003726	
517	Micron Technology, Inc.	IV-MMI0003727	IV-MMI0003740	
518	Micron Technology, Inc.	IV-MMI0003740	IV-MMI0003781	
519	Nanya Technology Corporation	IV-MMI0003782	IV-MMI0003805	
520	Pantech Co., Ltd.	IV-MMI0003814	IV-MMI0003839	
521	Pantech Co., Ltd.	IV-MMI0003845	IV-MMI0003858	
522	Pantech Co., Ltd.	IV-MMI0003859	IV-MMI0003884	
523	Samsung Electronics Co., Ltd.	IV-MMI0003885	IV-MMI0003909	
524	Vlingo Corporation	IV-MMI0005019	IV-MMI0005030	
525	Amazon Technologies, Inc.	IV-MMI0075274	IV-MMI0075286	

526	Amazon.com Inc.	IV-MMI0075291	IV-MMI0075326	
527	Amazon.com NV Investment Holdings, Inc.	IV-MMI0075327	IV-MMI0075330	
528	Research in Motion Limited	IV-MMI0079183	IV-MMI0079204	
529	Apple, Inc.	IV-MMI0103121	IV-MMI0103139	
530	Intel Corporation	IV-MMI0103140	IV-MMI0103163	
531	Microsoft Licensing, LP	IV-MMI0103164	IV-MMI0103176	
532	Microsoft Licensing, LP	IV-MMI0103177	IV-MMI0103197	
533	NVIDIA International Holdings, Inc.	IV-MMI0103198	IV-MMI0103210	
534	NVIDIA International Holdings, Inc.	IV-MMI0103211	IV-MMI0103233	
535	Nokia Corporation	IV-MMI0103234	IV-MMI0103266	
536	Nokia Corporation	IV-MMI0103267	IV-MMI0103286	
537	Apple, Inc.	IV-MMI0103287	IV-MMI0103289	
538	Apple, Inc.	IV-MMI0103290	IV-MMI0103292	
539	Apple, Inc.	IV-MMI0103293	IV-MMI0103295	
540	SAP America, Inc.	IV-MMI0103296	IV-MMI0103319	

541	Sony Corporation of America	IV-MMI0103320	IV-MMI0103343	
542	Verizon Corporation Services Group, Inc.	IV-MMI0103320	IV-MMI0103343	
543	Verizon Corporation Services Group, Inc.	IV-MMI0103363	IV-MMI0103413	
544	Verizon Corporation Services Group, Inc.	IV-MMI0103414	IV-MMI0103344	
545	Xilinx, Inc.	IV-MMI0103445	IV-MMI-0103467	
546	Yahoo!, Inc.	IV-MMI0103468	IV-MMI-0103478	
547	Yahoo!, Inc.	IV-MMI0103479	IV-MMI-0103502	
548	eBay! Inc.	IV-MMI0103503	IV-MMI-0103507	
549	eBay! Inc.	IV-MMI0103508	IV-MMI-0103509	
550	eBay! Inc.	IV-MMI0103540	IV-MMI-0103563	
551	Apple Computer, Inc.	IV-MMI0103540	IV-MMI-0103563	
552	Apple Computer, Inc.	IV-MMI0103567	IV-MMI-0103569	
553	Apple Computer, Inc.	IV-MMI0103570	IV-MMI-0103572	
554	Nokia, Inc.	IV-MMI0103573	IV-MMI-0103575	
555	Nokia, Inc.	IV-MMI0103576	IV-MMI-0103578	

556	Nokia, Inc.	IV-MMI0103579	IV-MMI-0103581	
557	Nokia, Inc.	IV-MMI0103582	IV-MMI-0103614	
558	NVIDIA International Holdings, Inc.	IV-MMI0103615	IV-MMI-0103647	
559	NVIDIA International Holdings, Inc.	IV-MMI0103648	IV-MMI-0103676	
560	SAP America, Inc.	IV-MMI0103677	IV-MMI-0103748	
561	SAP America, Inc.	IV-MMI0103749	IV-MMI-0103752	
562	SAP America, Inc.	IV-MMI0103753	IV-MMI-0103783	
563	Sony Corporation of America	IV-MMI0103784	IV-MMI-0103787	
564	Sony Corporation of America	IV-MMI0103788	IV-MMI-0103790	
565	Sony Corporation of America	IV-MMI0103791	IV-MMI-0103793	
566	Amazon.com, Inc.	IV-MMI0103794	IV-MMI-0103824	
567	Sony Corporation of America	IV-MMI0103825	IV-MMI-0103858	
568	Sony Corporation of America	IV-MMI0103859	IV-MMI-0103878	
569	Amazon.com, Inc.	IV-MMI0103879	IV-MMI-0103914	
570	Google, Inc.	IV-MMI0103915	IV-MMI-0103920	

571	Google, Inc.	IV-MMI0103921	IV-MMI-0103938	
572	Google, Inc.	IV-MMI0103939	IV-MMI-0103939	
573	Invention Investment Fund I, LP Subscription Agreement	IV-MMI0103940	IV-MMI-0103955	
574	Amazon.com NV Investment Holdings, Inc.	IV-MMI0103956	IV-MMI-0103959	
575	Intel Corporation	IV-MMI0103960	IV-MMI-0103962	
576	Intel Corporation	IV-MMI0103963	IV-MMI-0103996	
577	Microsoft Capital Corporation	IV-MMI0103997	IV-MMI-0104029	
578	Invention Investment Fund I LP1, LLC - Limited Liability Company Agreement	IV-MMI0104030	IV-MMI-0104058	
579	Microsoft Capital Corporation	IV-MMI0104059	IV-MMI-0104086	
580	Microsoft Capital Corporation	IV-MMI0104087	IV-MMI-0104110	
581	Microsoft Capital Corporation	IV-MMI0104111	IV-MMI-0104117	
582	Microsoft Capital Corporation	IV-MMI0104118	IV-MMI-0104122	
583	Microsoft Corporation - Amended and Restated Transfer Agreement	IV-MMI0104123	IV-MMI-0104212	
584	eBay Inc.	IV-MMI0104213	IV-MMI-0104227	
585	eBay Inc.	IV-MMI0104228	IV-MMI-0104250	

586	Adobe Systems Incorporated	IV-MMI0104251	IV-MMI-0104265	
587	Adobe Systems Incorporated	IV-MMI0104266	IV-MMI-0104291	
588	Amazon.com NV Investment Holdings, Inc.	IV-MMI0104292	IV-MMI-0104315	
589	American Express Travel Related Services Company, Inc.	IV-MMI0104316	IV-MMI-0104338	
590	American Express Travel Related Services Company, Inc.	IV-MMI0104339	IV-MMI-0104357	
591	Apple, Inc.	IV-MMI0104358	IV-MMI-0104395	
592	Apple, Inc.	IV-MMI0104396	IV-MMI-0104458	
593	Apple, Inc.	IV-MMI0104459	IV-MMI-0104480	
594	Cisco Systems, Inc.	IV-MMI0104481	IV-MMI-0104527	
595	Cisco Systems, Inc.	IV-MMI0104528	IV-MMI-0104562	
596	Xilinx, Inc.	IV-MMI0104563	IV-MMI-0104588	
597	Xilinx, Inc.	IV-MMI0104589	IV-MMI-0104614	
598	Yahoo, Inc.	IV-MMI0104615	IV-MMI-0104643	
599	Yahoo, Inc.	IV-MMI0104644	IV-MMI-0104712	
600	Chunghwa Pictures Tubes (Bermuda), Ltd.	IV-MMI0104713	IV-MMI-0104736	

601	Chunghwa Pictures Tubes (Bermuda), Ltd.	IV-MMI0104737	IV-MMI-0104752	
602	Chunghwa Pictures Tubes (Bermuda), Ltd.	IV-MMI0104753	IV-MMI-0104759	
603	Chunghwa Pictures Tubes (Bermuda), Ltd.	IV-MMI0104760	IV-MMI-0104777	
604	Chunghwa Pictures Tubes (Bermuda), Ltd.	IV-MMI0104778	IV-MMI-0104793	
605	Chunghwa Pictures Tubes (Bermuda), Ltd.	IV-MMI0104794	IV-MMI-0104800	
606	Wistron Corporation	IV-MMI0104801	IV-MMI-0104824	
607	Wistron Corporation	IV-MMI0104825	IV-MMI-0104844	
608	Wistron Corporation	IV-MMI0104845	IV-MMI-0104850	
609	HTC Corporation	IV-MMI0104851	IV-MMI-0104872	
610	Wistron Corporation	IV-MMI0104873	IV-MMI-0104877	
611	Wistron Corporation	IV-MMI0104878	IV-MMI-0104901	
612	Wistron Corporation	IV-MMI0104902	IV-MMI-0104925	
613	Wistron Corporation	IV-MMI0104926	IV-MMI-0104945	
614	Wistron Corporation	IV-MMI0104946	IV-MMI-0104965	
615	Wistron Corporation	IV-MMI0104966	IV-MMI-0104970	

616	Wistron Corporation	IV-MMI0104970	IV-MMI-0104976	
617	Wistron Corporation	IV-MMI0104977	IV-MMI-0104982	
618	Intuit, Inc.	IV-MMI0104983	IV-MMI-0105004	
619	Micron Technology, Inc.	IV-MMI0105055	IV-MMI-0105068	
620	Micron Technology, Inc.	IV-MMI0105069	IV-MMI0105109	
621	Pantech Co., Ltd.	IV-MMI0105110	IV-MMI0105135	
622	Pantech Co., Ltd.	IV-MMI0105136	IV-MMI0105149	
623	Pantech Co., Ltd.	IV-MMI0105150	IV-MMI0105175	
624	Vlingo Corporation	IV-MMI0105201	IV-MMI0105212	
625	IV Licensing Structure	N/A	N/A	FRE 402; FRE 403; FRE 802; FRE 901; IV reserves its right to add other objections because it is not clear what this is
626	Rights Transfer Agreement b/w IV Global Licensing LLC and IV I LLC	IV-MMI0000364	IV-MMI0000369	
627	Rights Transfer Agreement b/w IV Licensing I LLC and IV I LLC	IV-MMI0000358	IV-MMI0000363	
628	Rights Transfer Agreement b/w Invention Investment Fund I, LP and IV I LLC	IV-MMI0000340	IV-MMI0000345	

629	Rights Transfer Agreement b/w IV International Licensing and IV I LLC	IV-MMI0000376	IV-MMI0000381	
630	Rights Transfer Agreement b/w IV International Licensing Netherlands BV and IV I LLC	IV-MMI0000388	IV-MMI0000394	
631	Sales Letters to Various Entities, including drafts	IV-MMI0005464	IV-MMI0005468	FRE 402; FRE 403; FRE 802; FRE 90
632	Patent License Agreement - Nanya	IV-MMI0124427	IV-MMI0124450	
633	Patent License Agreement - RIM	IV-MMI0124451	IV-MMI0124472	
634	Intellectual Ventures Patent Finder	MMI-IV1093895	MMI-IV1093896	FRE 402; FRE 403; FRE 802; FRE 901; not produced during discovery

EXHIBIT 9
PLAINTIFFS' LIST OF WITNESSES

Plaintiffs identify the following witnesses for trial. Plaintiffs reserve the right to call live or by previous testimony any witness on this list or any witness on Defendant's witness list.

Plaintiffs reserves the right to amend, revise, or supplement this list as necessary before the commencement of trial and during trial. By identifying a witness on this list, Plaintiffs do not represent that any such witness is available to appear for trial. Plaintiffs reserve the right to call any fact or expert witness called as part of its or Defendant's case-in-chief for purposes of rebuttal.

I. EXPERT WITNESSES - Case-in-chief

1. Don Alpert
2. Darren Cairns
3. Jerry Gibson
4. Jason Nieh
5. Hugh Smith
6. Dave Stewart

II. FACT WITNESSES - Case-in-chief

1. Naveen Aerrabotu
2. James Barber
3. Thomas A. Bedics
4. Karen Bruce
5. Christopher D. Clarke
6. Peter Detkin
7. Mike Erich

8. Maurice W. Haff
9. Richard Harris
10. Tacy Hindle
11. Sean Hoelzle
12. James A Hutchinson
13. Michele Ilag
14. Jacob W. Jorgenson
15. Sathish Karunakaran
16. Ficus Kirkpatrick
17. Michele Koenig
18. Timothy Kowalski
19. Andrzej Koziol
20. Ravi Kuchibhotla
21. Rajendra Kumar
22. Donald Merino
23. Nathan Myhrvold
24. Thomas Nguyen
25. Tammy Otten
26. Richard Reisman
27. Rajesh Rudraradhya
28. Narothum Saxena
29. Thomas Schirtzinger
30. Robert Scott

31. Kerry Smith
32. Dimitri Sokolov
33. Jason Tsuyemura
34. Mark Vitale
35. Alvin Von Ruff
36. James Weisfield
37. Sen Yang
38. Jim Zhuang

III. Witnesses Whose Testimony May Be Used To Rebut Certain Aspects Of Defendants' Case-in-Chief In Plaintiffs' Rebuttal Case

1. Behshad Baseghi
2. George Fitzmaurice
3. Brett Galloway
4. Gary Grube
5. Inchul Kang
6. John Mawhood
7. John Soward
8. Alexander Trevor
9. Teresa Y. Wong

EXHIBIT 9
DEFENDANT'S LIST OF WITNESSES

Motorola Mobility identifies the following witnesses for trial. Because Plaintiff has not identified what patents will be the subject of trial set for January 21, 2014, this list includes witnesses relevant to all six patents currently at issue in this matter. When Plaintiff identifies the patents that will be tried, Motorola Mobility will provide an amended trial witness list that removes those witnesses that are not relevant to the patents identified for trial.

Motorola Mobility reserves the right to call live or by previous testimony any witness on this list or any witness on Plaintiffs' witness list. Motorola Mobility reserves the right to amend, revise, or supplement this list as necessary before the commencement of trial and during trial. Motorola Mobility also reserves the right not to call any of the witnesses (either live or by previous testimony) identified in this list.

By identifying a witness on this list, Motorola Mobility does not represent that any such witness is available to appear for trial.

1. Don Merino
2. Jim Weisfield
3. Kerry Smith Sr.
4. Peter Detkin
5. Richard Harris
6. Mario Obeidat
7. Nathan Myhrvold
8. Maurice Haff
9. Christopher Clarke
10. Jacob Jorgenson

11. Rajendra Kumar
12. Richard Reisman
13. Naveen Aerrabotu
14. Georges Fitzmaurice
15. Timothy Kowalski
16. Michelle Koenig
17. Robert Scott
18. Jason Tsuyemura
19. Jim Zhuang
20. Blagoja Bakrevski
21. Behshad Baseghi
22. Karen Bruce
23. Brett Galloway
24. John Mawhood
25. Alvin Von Ruff
26. Jim Barber
27. Sen Yang
28. Gary Grube
29. Andy Koziol
30. Sandy Trevor
31. John Soward
32. Ficus Kirkpatrick
33. Rajesh Rudrardhya

- 34. Martin Rinard
- 35. Timothy Drabik
- 36. Mark Seely
- 37. Randy Katz
- 38. Brian von Herzen
- 39. Gwenael le Bodic
- 40. Megan Fishburne

EXHIBIT 11
PLAINTIFFS' BRIEF STATEMENT OF INTENDED PROOFS

Plaintiffs respectfully submit the following brief statement of their intended proofs. This statement addresses only the liability phase. Issues of liability regarding the bifurcated issues of willfulness and damages will be addressed separately as ordered by the Court. Plaintiffs reserve the right to modify this statement of proofs based on the Court's claim construction and summary judgment decisions.

Plaintiffs will prove that Defendant's Accused Products infringe the asserted claims of the patents-in-suit as identified in Exhibit 2.

Plaintiffs will prove that they are entitled to their costs and expenses. Plaintiffs will prove that this is an exceptional case warranting an award to Plaintiffs of their attorneys' fees under and expenses under 35 U.S.C. § 285 or the Court's equitable power.

This statement does not include the proofs that Plaintiffs will offer in rebuttal to defenses that Defendant presents at trial

EXHIBIT 12
DEFENDANT'S BRIEF STATEMENT OF INTENDED PROOFS

Motorola Mobility submits the following brief statement of its intended proofs at trial. This statement addresses only the liability phase and only the issues relating to the six Asserted Patents. Issues regarding damages have been bifurcated by the Court and will be addressed separately as ordered by the Court. Motorola Mobility reserves the right to modify this statement of proofs based on the Court's claim construction and summary judgment decisions.

Motorola Mobility will prove that the Asserted Claims of the Asserted Patents are invalid. Motorola Mobility will prove that none of the Accused Products infringe, directly or indirectly, any valid claim of the Asserted Patents.

Motorola Mobility will prove that it should be awarded its costs and expenses. Motorola Mobility will prove that this is an exceptional case warranting an award to Motorola Mobility of its attorneys' fees under 35 U.S.C. § 285 or the Court's equitable power. To the extent necessary, Motorola Mobility will introduce evidence to rebut Plaintiff's claim that it is entitled to attorneys' fees under 35 U.S.C. § 285. Motorola Mobility will also offer proofs in rebuttal to claims or defenses that Plaintiff presents at trial.

EXHIBIT 13
PLAINTIFFS' STATEMENT OF OPEN MATTERS

Plaintiffs request that the following issues be resolved at the pretrial conference.

Alternatively, Plaintiffs reserve the right to raise these issues at the appropriate time during trial.

1. Whether Defendant should be allowed to present indefiniteness positions it raised in the Joint Claim Construction Statement, but has not raised during claim construction briefing, summary judgment briefing, or other appropriate times, and whether such contentions are now waived.

2. Whether either party should be allowed to mention that the '462 patent, the '450 patent, the '054 patent or the '464 patent were part of a reexamination proceeding whether closed or currently active.

3. Whether Defendant can mention or present evidence regarding unrelated litigation involving different companies, different patents, or even no patents at all.

4. Whether Defendant can mention or present evidence regarding a co-pending matter between Plaintiffs and Defendant in the Southern District of Florida.

5. Whether Defendant can introduce alleged prior art and other materials produced after the close of discovery: MMI-IV1092099-3894.

6. Whether Defendant can introduce the purported NeXT Computer System: DTX-373.

7. The order of proof at trial.

8. Defendant's untimely disclosure of Megan Fishburne as a trial witness.

EXHIBIT 14

DEFENDANT'S STATEMENT OF OPEN MATTERS

Defendant requests that the following issues be resolved at the pretrial conference and otherwise reserves the right to raise these, and other evidentiary issues, at the appropriate time during trial, as permitted by the rules of this Court.

1. Whether Plaintiff's proof should be limited to three (3) Asserted Patents and up to fifteen (15) Asserted Claims.

2. Whether Plaintiffs should be permitted to introduce evidence that other entities have taken licenses and/or been granted covenants not to sue (either as licensees, subscribers, or investors in Plaintiffs' funds) with respect to portfolios or other groups of patent assets that include one or more of the Asserted Patents.

3. Whether the question of patent exhaustion relating to the '953 Patent and a subset of the accused products should be deferred to any damages phase or instead is an appropriate subject for the liability trial.

4. Whether Plaintiffs should be permitted to introduce any evidence relating to the 3GPP standard or 3GPP-compliant devices, as relating to Plaintiffs' allegations of infringement of the '450 patent.

5. Whether Plaintiffs should be permitted to introduce evidence that the '054 patent was previously asserted in litigation against Apple, Inc. and Microsoft, Inc.

6. Whether the survey Plaintiffs and their expert Dr. Stewart commissioned regarding alleged use of Motorola Mobility products and Dr. Stewart's related opinions are inadmissible as hearsay.

7. Where one of Motorola's prior art patents claims priority to an earlier patent application that went abandoned after a continuation application was filed that resulted in the prior art patent's issuance, whether IV may contest the priority of the prior art reference on the grounds that the earlier application was abandoned.